

STATUTES OF CALIFORNIA

PASSED AT THE
FORTY-FOURTH SESSION OF THE LEGISLATURE

CHAPTER 1.

An act making an appropriation to pay the expenses of electors of president and vice president of the United States of America.

[Approved January 20, 1921. In effect immediately.]

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

SECTION 1. The sum of six hundred ninety-two dollars forty cents, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the per diem and mileage of electors of president and vice president of the United States of America for the year one thousand nine hundred twenty-one.

Appropriation: expenses of presidential electors.

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

CHAPTER 2.

An act making an appropriation to defray the expenses of legislative mailing handled by the superintendent of state printing, for the forty-fourth session of the legislature of the State of California.

[Approved January 20, 1921. In effect immediately.]

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

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to defray the expense of mailing handled by the superintendent of state printing during the forty-fourth session of the legislature of the State of California.

Appropriation: legislative mailing.

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

CHAPTER 3.

An act to amend sections four thousand five c and four thousand six of the Political Code, relating to the population and classification of the several counties of the state.

[Approved January 20, 1921. In effect immediately.]

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

Population
of counties.

SECTION 1. Section four thousand five c of the Political Code is hereby amended to read as follows:

4005c. The population of the counties of this state is hereby ascertained and determined to be and is as follows:

1. Los Angeles -----	936,438
2. San Francisco -----	506,676
3. Alameda -----	344,177
4. Fresno -----	128,779
5. San Diego -----	112,248
6. Santa Clara -----	100,588
7. Sacramento -----	91,029
8. San Joaquin -----	79,905
9. San Bernardino -----	73,401
10. Orange -----	61,375
11. Tulare -----	59,031
12. Kern -----	54,843
13. Contra Costa -----	53,889
14. Sonoma -----	51,990
15. Riverside -----	50,297
16. Stanislaus -----	43,557
17. Imperial -----	43,383
18. Santa Barbara -----	41,097
19. Solano -----	40,602
20. Humboldt -----	37,857
21. San Mateo -----	36,781
22. Butte -----	30,030
23. Ventura -----	28,724
24. Monterey -----	27,980
25. Marin -----	27,342
26. Santa Cruz -----	26,269
27. Merced -----	24,579
28. Mendocino -----	24,116
29. Kings -----	22,031
30. San Luis Obispo -----	21,893
31. Napa -----	20,678
32. Placer -----	18,584
33. Siskiyou -----	18,545
34. Yolo -----	17,105
35. Shasta -----	13,311
36. Tehama -----	12,882
37. Madera -----	12,203
38. Glenn -----	11,853

39. Nevada -----	10,860
40. Yuba -----	10,375
41. Sutter -----	10,115
42. Colusa -----	9,920
43. San Benito -----	8,995
44. Lassen -----	8,507
45. Amador -----	7,793
46. Tuolumne -----	7,768
47. Inyo -----	7,031
48. El Dorado -----	6,426
49. Calaveras -----	6,183
50. Plumas -----	5,681
51. Lake -----	5,542
52. Modoc -----	5,425
53. Mariposa -----	2,775
54. Del Norte -----	2,759
55. Trinity -----	2,551
56. Sierra -----	1,783
57. Mono -----	960
58. Alpine -----	243

SEC. 2. Section four thousand six of the Political Code of the State of California is hereby amended to read as follows:

4006. For the purpose of regulating the compensation of all officers herein provided for, the several counties of this state are hereby classified, according to their population (as ascertained and determined in section four thousand five c) of this code as follows, to wit:

Counties containing a population of nine hundred thousand and over shall belong to and be known as counties of the first class.

Counties containing a population of five hundred thousand and under nine hundred thousand shall belong to and be known as counties of the second class.

Counties containing a population of three hundred thousand and under five hundred thousand shall belong to and be known as counties of the third class.

Counties containing a population of one hundred twenty thousand and under three hundred thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of one hundred ten thousand and under one hundred twenty thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of one hundred thousand and under one hundred ten thousand shall belong to and be known as counties of the sixth class.

Counties containing a population of ninety thousand and under one hundred thousand shall belong to and be known as counties of the seventh class.

Counties containing a population of seventy-five thousand and under ninety thousand shall belong to and be known as counties of the eighth class.

- 9th class. Counties containing a population of seventy thousand and under seventy-five thousand shall belong to and be known as counties of the ninth class.
- 10th class. Counties containing a population of sixty thousand and under seventy thousand shall belong to and be known as counties of the tenth class.
- 11th class. Counties containing a population of fifty-five thousand and under sixty thousand shall belong to and be known as counties of the eleventh class.
- 12th class. Counties containing a population of fifty-four thousand and under fifty-five thousand shall belong to and be known as counties of the twelfth class.
- 13th class. Counties containing a population of fifty-three thousand and under fifty-four thousand shall belong to and be known as counties of the thirteenth class.
- 14th class. Counties containing a population of fifty-one thousand and under fifty-three thousand shall belong to and be known as counties of the fourteenth class.
- 15th class. Counties containing a population of fifty thousand and under fifty-one thousand shall belong to and be known as counties of the fifteenth class.
- 16th class. Counties containing a population of forty-three thousand five hundred and under fifty thousand shall belong to and be known as counties of the sixteenth class.
- 17th class. Counties containing a population of forty-three thousand three hundred and under forty-three thousand five hundred shall belong to and be known as counties of the seventeenth class.
- 18th class. Counties containing a population of forty-one thousand and under forty-three thousand shall belong to and be known as counties of the eighteenth class.
- 19th class. Counties containing a population of forty thousand and under forty-one thousand shall belong to and be known as counties of the nineteenth class.
- 20th class. Counties containing a population of thirty-seven thousand and under forty thousand shall belong to and be known as counties of the twentieth class.
- 21st class. Counties containing a population of thirty-six thousand and under thirty-seven thousand shall belong to and be known as counties of the twenty-first class.
- 22d class. Counties containing a population of thirty thousand and under thirty-six thousand shall belong to and be known as counties of the twenty-second class.
- 23d class. Counties containing a population of twenty-eight thousand and under thirty thousand shall belong to and be known as counties of the twenty-third class.
- 24th class. Counties containing a population of twenty-seven thousand five hundred and under twenty-eight thousand shall belong to and be known as counties of the twenty-fourth class.
- 25th class. Counties containing a population of twenty-seven thousand and under twenty-seven thousand five hundred shall belong to and be known as counties of the twenty-fifth class.

Counties containing a population of twenty-six thousand and under twenty-seven thousand shall belong to and be known as counties of the twenty-sixth class. ^{26th class.}

Counties containing a population of twenty-four thousand five hundred and under twenty-six thousand shall belong to and be known as counties of the twenty-seventh class. ^{27th class.}

Counties containing a population of twenty-four thousand and under twenty-four thousand five hundred shall belong to and be known as counties of the twenty-eighth class. ^{28th class.}

Counties containing a population of twenty-two thousand and under twenty-four thousand shall belong to and be known as counties of the twenty-ninth class. ^{29th class.}

Counties containing a population of twenty-one thousand and under twenty-two thousand shall belong to and be known as counties of the thirtieth class. ^{30th class.}

Counties containing a population of twenty thousand and under twenty-one thousand shall belong to and be known as counties of the thirty-first class. ^{31st class.}

Counties containing a population of eighteen thousand five hundred eighty and under twenty thousand shall belong to and be known as counties of the thirty-second class. ^{32d class.}

Counties containing a population of eighteen thousand five hundred and under eighteen thousand five hundred eighty shall belong to and be known as counties of the thirty-third class. ^{33d class.}

Counties containing a population of seventeen thousand and under eighteen thousand five hundred shall belong to and be known as counties of the thirty-fourth class. ^{34th class.}

Counties containing a population of thirteen thousand and under seventeen thousand shall belong to and be known as counties of the thirty-fifth class. ^{35th class.}

Counties containing a population of twelve thousand five hundred and under thirteen thousand shall belong to and be known as counties of the thirty-sixth class. ^{36th class.}

Counties containing a population of twelve thousand and under twelve thousand five hundred shall belong to and be known as counties of the thirty-seventh class. ^{37th class.}

Counties containing a population of eleven thousand and under twelve thousand shall belong to and be known as counties of the thirty-eighth class. ^{38th class.}

Counties containing a population of ten thousand five hundred and under eleven thousand shall belong to and be known as counties of the thirty-ninth class. ^{39th class.}

Counties containing a population of ten thousand three hundred and under ten thousand five hundred shall belong to and be known as counties of the fortieth class. ^{40th class.}

Counties containing a population of ten thousand and under ten thousand three hundred shall belong to and be known as counties of the forty-first class. ^{41st class.}

Counties containing a population of nine thousand and under ten thousand shall belong to and be known as counties of the forty-second class. ^{42d class.}

- 43d class. Counties containing a population of eight thousand nine hundred and under nine thousand shall belong to and be known as counties of the forty-third class.
- 44th class. Counties containing a population of eight thousand five hundred and under eight thousand nine hundred shall belong to and be known as counties of the forty-fourth class.
- 45th class. Counties containing a population of seven thousand seven hundred ninety and under eight thousand five hundred shall belong to and be known as counties of the forty-fifth class.
- 46th class. Counties containing a population of seven thousand seven hundred fifty and under seven thousand seven hundred ninety shall belong to and be known as counties of the forty-sixth class.
- 47th class. Counties containing a population of seven thousand and under seven thousand seven hundred fifty shall belong to and be known as counties of the forty-seventh class.
- 48th class. Counties containing a population of six thousand four hundred and under seven thousand shall belong to and be known as counties of the forty-eighth class.
- 49th class. Counties containing a population of six thousand and under six thousand four hundred shall belong to and be known as counties of the forty-ninth class.
- 50th class. Counties containing a population of five thousand six hundred and under six thousand shall belong to and be known as counties of the fiftieth class.
- 51st class. Counties containing a population of five thousand five hundred and under five thousand six hundred shall belong to and be known as counties of the fifty-first class.
- 52d class. Counties containing a population of five thousand and under five thousand five hundred shall belong to and be known as counties of the fifty-second class.
- 53d class. Counties containing a population of two thousand seven hundred seventy and under five thousand shall belong to and be known as counties of the fifty-third class.
- 54th class. Counties containing a population of two thousand seven hundred fifty and under two thousand seven hundred seventy shall belong to and be known as counties of the fifty-fourth class.
- 55th class. Counties containing a population of two thousand five hundred and under two thousand seven hundred fifty shall belong to and be known as counties of the fifty-fifth class.
- 56th class. Counties containing a population of one thousand five hundred and under two thousand five hundred shall belong to and be known as counties of the fifty-sixth class.
- 57th class. Counties containing a population of five hundred and under one thousand five hundred shall belong to and be known as counties of the fifty-seventh class.
- 58th class. Counties containing a population less than five hundred shall belong to and be known as counties of the fifty-eighth class.
- Emergency measure. **SEC. 3.** This act is hereby declared to be an emergency measure within the meaning of section one, article four of the constitution of the State of California, and shall take effect

immediately. The facts constituting such emergency are as follows:

A great deal of legislation is now pending involving county and city and county government of certain classes, and the officers including the peace officers thereof, which legislation can not be properly presented and considered until the counties and cities and counties of the state have been reclassified. It is impossible at present to make any disposition of matters relating to a particular class because such class has not been ascertained.

CHAPTER 4.

An act making an appropriation for the expenses of the state in proceedings for the recovery of property that may have escheated to the state.

[Approved January 22, 1921. In effect immediately.]

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

SECTION 1. Out of any moneys in the state treasury not otherwise appropriated, the sum of two thousand five hundred dollars is hereby appropriated to be expended under the direction of the attorney general for the necessary expenses of the state in proceedings for the recovery of property which may have escheated to the state.

Appropriation: recovery of escheated property.

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

CHAPTER 5.

An act making an appropriation to meet the deficiency in the appropriation for compiling, printing and distributing constitutional amendments for the seventy-first and seventy-second fiscal years.

[Approved January 24, 1921. In effect immediately.]

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

SECTION 1. The sum of fourteen thousand two hundred three dollars and seventy-eight cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriations for compiling, printing and distributing constitutional amendments for the seventy-first and seventy-second fiscal years.

Deficiency appropriation: distributing constitutional amendments.

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

CHAPTER 6.

An act making an appropriation to meet the deficiency in the appropriations for the support and salaries of the state normal schools for the seventy-first and seventy-second fiscal years.

[Approved January 24, 1921. In effect immediately.]

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

Deficiency
appropriation:
state
normal
schools.

SECTION 1. The sum of forty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriations for the support and salaries of the state normal schools for the seventy-first and seventy-second fiscal years.

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

CHAPTER 7.

An act making an appropriation to meet the deficiency in the appropriation for printing, publishing and distributing state textbooks free to the school children of the state for the seventy-first and seventy-second fiscal years.

[Approved January 24, 1921. In effect immediately.]

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

Deficiency
appropriation:
state
textbooks.

SECTION 1. The sum of two hundred fifty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for printing, publishing and distributing state textbooks free to the school children of the state for the seventy-first and seventy-second fiscal years.

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

CHAPTER 8.

An act making an appropriation to meet the deficiency in the appropriations for the support of the bureau of labor statistics for the seventy-first and seventy-second fiscal years.

[Approved January 24, 1921. In effect immediately.]

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

SECTION 1. The sum of thirty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriations for the support of the bureau of labor statistics for the seventy-first and seventy-second fiscal years. Deficiency appropriation bureau of labor statistics.

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

CHAPTER 9.

An act making an appropriation to meet the deficiency in the appropriation for the support of the University of California for the seventy-first and seventy-second fiscal years.

[Approved January 24, 1921. In effect immediately.]

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

SECTION 1. The sum of three hundred seventy thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to meet the deficiency in the appropriation for the support of the University of California for the seventy-first and seventy-second fiscal years. Deficiency appropriation: University of California.

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

CHAPTER 10.

An act making an appropriation to meet the deficiency in the appropriation made to prepare record of California's part in the war between the United States and the central European powers and to compile biographical sketches of California's citizens who served in the army, navy or marine corps of the United States during said war for the seventy-first and seventy-second fiscal years.

[Approved January 21, 1921. In effect immediately.]

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

Deficiency appropriation California war record.

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation made to prepare record of California's part in the war between the United States and the central European powers and to compile biographical sketches of California's citizens who served in the army, navy or marine corps of the United States during said war for the seventy-first and seventy-second fiscal years.

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

CHAPTER 11.

An act making an appropriation to meet the deficiency in the appropriation for support of orphans, half orphans and abandoned children for the seventy-first and seventy-second fiscal years.

[Approved January 24, 1921. In effect immediately.]

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

Deficiency appropriation: orphan aid.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for support of orphans, half orphans and abandoned children for the seventy-first and seventy-second fiscal years.

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

CHAPTER 12.

An act making an appropriation to meet the deficiency in the appropriation for rental and other expenses incident to the occupancy and maintenance of offices for state departments in Sacramento and Los Angeles for the seventy-first and seventy-second fiscal years.

[Approved January 24, 1921. In effect immediately.]

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

SECTION 1. The sum of forty-seven thousand eight hundred fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for rental and other expenses incident to the occupancy and maintenance of offices for state departments in Sacramento and Los Angeles for the seventy-first and seventy-second fiscal years. Deficiency appropriation: rental of offices.

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

CHAPTER 13.

An act reappropriating the money in the appropriation for salaries of three commissioners of the state water commission for the seventy-first and seventy-second fiscal years.

[Approved January 25, 1921. In effect immediately.]

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

SECTION 1. The money appropriated for the salaries of the three commissioners of the state water commission for the seventy-first and seventy-second fiscal years is hereby reappropriated and made available for the per diems and salary of the three commissioners and the support of the state water commission for the seventy-first and seventy-second fiscal years. Appropriation. State water commissioners

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

CHAPTER 14.

An act making an appropriation to meet the deficiency in the appropriation for expenses of returning criminals arrested without the state for the seventy-first and seventy-second fiscal years.

[Approved January 24, 1921. In effect immediately.]

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

Deficiency appropriation: returning criminals.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for expenses of returning criminals arrested without the state for the seventy-first and seventy-second fiscal years.

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

CHAPTER 15.

An act appropriating money to supplement the appropriation made by an act entitled "An act to amend an act entitled 'An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operation,' approved June 1, 1917, by amending sections two, four, five, nine, ten, eleven, fourteen, fifteen, eighteen, twenty, twenty-one, twenty-five, twenty-seven, twenty-eight, and twenty-nine thereof, and by adding a new section thereto to be numbered section twenty-two, and making an appropriation for the purpose of carrying out the provisions of said act," approved May 23, 1919.

[Approved January 24, 1921. In effect immediately.]

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

Appropriation: state land settlement board.

SECTION 1. The sum of two hundred fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to supplement the appropriation made by an act entitled "An act to amend an act entitled 'An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations,' approved June 1, 1917, by amending sections two, four, five, nine, ten, eleven, fourteen, fifteen, eighteen, twenty, twenty-one, twenty-five, twenty-seven, twenty-eight and twenty-nine thereof, and by adding a new section thereto to be numbered section twenty-two, and making an appropriation for the purpose of carrying out the provisions of said act."

approved May 23, 1919, which sum of two hundred fifty thousand dollars is calculated to be returned to the state either out of money received from the sale of bonds issued by the state, or upon the non-issue of bonds for such purpose then within a period of fifty years from the date of this appropriation of two hundred fifty thousand dollars going into effect, with interest at the rate of four per cent per annum on the daily balances representing the amounts drawn out of such appropriation, and thus depleting the appropriation to an amount less than said sum of two hundred fifty thousand dollars.

SEC. 2. The money appropriated by this act shall be used for the payment of salaries, the purchase of supplies and such other expenses as are necessary under the act referred to in section one of this act.

SEC. 3. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section one of article four of the constitution, take effect immediately.

CHAPTER 16.

An act to amend sections one thousand nine hundred fifty-three and one thousand nine hundred fifty-six of the Political Code, relating to the national guard of the State of California.

[Approved January 26, 1921. In effect immediately.]

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

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

1953. No person shall hereafter be commissioned as an officer of the national guard unless he shall have been selected from the following classes and shall have taken and subscribed to the oath of office prescribed in section seventy-three of the act of congress approved June 3, 1916: Officers or enlisted men of the federally recognized national guard; officers, active or retired, reserve officers, and former officers of the army, navy, or marine corps; enlisted men and former enlisted men of the army, navy, or marine corps who have received an honorable discharge therefrom; graduates of the United States military and naval academies; and graduates of schools, colleges, universities, and officers' training camps, where they have received military instruction under the supervision of an officer of the regular army who certified their fitness for appointment as commissioned officers; and for the technical branches or staff corps and departments, such other civilians as may be specially qualified for duty therein; *provided*, that all medical officers shall be regularly graduated, licensed and

Qualifications
of national
guard
officers.

practicing physicians or surgeons, licensed to practice their profession in California, or shall have been surgeons in the United States army or navy. All judge advocates of the national guard of California shall be members of the bar of the supreme court of the State of California. All engineer officers, except engineer officers of the naval militia of California, must be graduate engineers, able to design as well as to direct engineering works. All chaplains shall be regularly ordained priests or ministers of the gospel of some denomination; *provided, further*, that persons having served in the army, navy, or marine corps of the United States, of this state or any other state in the United States, and who have not been honorably discharged therefrom shall not be eligible for a commission in the national guard of the State of California.

SEC. 2 Section one thousand nine hundred fifty-six of the Political Code is hereby amended to read as follows:

Age of
retirement.

1956. To comply with the provisions of section 110, of the act of congress entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, it is hereby provided that staff officers, including officers of the pay, inspection, subsistence, and medical departments, now on the active list or hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of this state.

Repeal.

SEC. 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Urgency
measure.

SEC. 4. Inasmuch as the provisions of the existing law relating to the national guard are in conflict with the provisions of the national defense act, and the provisions herein contained are necessary to enable the national guard of this state to comply with the requirements of said national defense act at the earliest possible date, this act is declared to be necessary for the public interests and to be an urgency measure within the meaning of section one of article four of the constitution.

CHAPTER 17.

An act to repeal an act entitled "An act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States, over the public lands of this state," approved March 21, 1907.

[Approved January 25, 1921. In effect immediately.]

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

SECTION 1. An act entitled "An act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States, over the public lands of this state," approved March 21, 1907, is hereby repealed. Stats. 1907,
p. 848
repealed.

SEC. 2. Inasmuch as it has been contended that the aforesaid act hereby repealed authorized the interference with the natural conditions prevailing with respect to certain interstate fresh water lakes in this state and the disturbance of the outlets of such lakes by excavation of the lands belonging to this state lying under or adjacent to such outlets and inasmuch as any such interference or disturbance would occasion much damage to citizens of this state and interfere with their water supply and might lead to serious conflict and breaches of the peace, it is hereby declared that this act is an emergency measure necessary for the immediate preservation of the public health, peace and safety and that under the provisions of section one of article four of the state constitution an emergency exists, and this act shall take effect immediately. Emergency
measure.

CHAPTER 18.

An act legalizing the formation and organization of reclamation district number two thousand fifty.

[Approved January 21, 1921. In effect July 29, 1921.]

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

SECTION 1. The formation and organization of reclamation district number two thousand fifty (2050) by the board of supervisors of the county of Santa Cruz, State of California, are hereby approved, ratified, legalized and declared valid. Reclamation
district
No. 2050
validated.

CHAPTER 19.

An act approving, confirming and declaring valid the creation, formation and organization of reclamation district No. 1004, and all acts and proceedings of said district and of the trustees and officers thereof, and of the board of supervisors of the county of Colusa, State of California, in relation thereto, including all proceedings relating to the inclusion of additional lands within said district and to the issuance of bonds of said district, and all acts and proceedings of the assessment commissioners thereof, and defining and declaring the exterior boundaries of said district.

[Approved January 24, 1921. In effect July 29, 1921.]

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

Reclamation
district
No. 1004
validated.

SECTION 1. The creation, formation and organization of reclamation district No. 1004, and all acts and proceedings of said district and of the trustees and officers thereof, and of the board of supervisors of the county of Colusa, State of California, in relation thereto, including all proceedings relating to the inclusion of additional lands within said district and to the issuance of bonds of said district, and all acts and proceedings of the assessment commissioners thereof, are hereby approved, confirmed and declared valid.

Boundaries.

SEC. 2. The exterior boundaries of said district are hereby defined and declared to be as follows:

Beginning at a point on the Mount Diablo meridian line, from which the section corner, common to sections twelve and thirteen, in township seventeen north range one west, Mount Diablo base and meridian, and sections seven and eighteen in township seventeen north range one east, Mount Diablo base and meridian, bears north eight hundred ninety-two feet distant; thence north along said meridian line to the quarter section corner between section twenty-five, township eighteen north range one west, Mount Diablo base and meridian, and section thirty, township eighteen north range one east, Mount Diablo base and meridian; thence west along the line running through the center of said section twenty-five, township eighteen north range one west, one mile, more or less, to the quarter section corner common to sections twenty-five and twenty-six, township eighteen north range one west; thence north along the section line between sections twenty-five and twenty-six, township eighteen north range one west, one-half mile, to the section corner common to sections twenty-three, twenty-four, twenty-five and twenty-six, township eighteen north range one west; thence west along the north boundary of said sections twenty-six and twenty-seven, township eighteen north range one west, one and one-half miles, more or less, to the quarter section corner between sections twenty-seven and

twenty-two, township eighteen north range one west; thence ^{Boundaries.} south along the line running north and south through the center of sections twenty-seven and thirty-four, township eighteen north range one west, two miles, more or less, to the quarter section corner common to section thirty-four, township eighteen north range one west, and section three, township seventeen north range one west; thence west one-half mile, more or less, to the corner common to sections three and four, township seventeen north range one west, and sections thirty-three and thirty-four, township eighteen north range one west; thence south one-half mile, more or less, to the quarter section corner between sections three and four, township seventeen north range one west; thence west one mile, more or less, to the quarter section corner between sections four and five, township seventeen north range one west; thence south one-half mile, more or less, to the corner common to sections four, five, eight and nine, all in township seventeen north range one west; thence west on the section line between sections five and eight, township seventeen north range one west, one thousand one hundred ninety-four feet, more or less, to the northeast corner of subdivision number two of Moulton Irrigated Lands Company; thence along the east line of said subdivision south one degree, one minute west, two thousand five hundred fifty-four feet to a stake situated on the southeast corner of said subdivision number two; thence along the line between the said Moulton Irrigated Lands Company tract and the B. F. Gould tract, south eighty-nine degrees, thirty-three minutes, east, one thousand one hundred seven feet, more or less; thence south no degrees, three minutes west, seventy-two and six-tenths feet to a two-inch gas pipe, situated on the line between the B. F. Gould tract and the Moulton Irrigated Lands Company tract; thence along the quarter section line running easterly and westerly through the center of section eight, township seventeen north range one west, north eighty-nine degrees, twenty-six minutes east, three hundred thirty feet to the quarter section corner between sections eight and nine in township seventeen north range one west; thence south two miles, more or less, to the quarter section corner between sections twenty and twenty-one, township seventeen north range one west; thence west twenty chains; thence south sixty chains; thence east eighty chains; thence south sixty chains; thence west twenty chains to the quarter section corner between sections twenty-eight and thirty-three in township seventeen north range one west; thence south twenty chains; thence east forty chains; thence south sixty chains to the section corner common to sections thirty-three and thirty-four in township seventeen north range one west, and sections three and four in township sixteen north range one west; thence east twenty chains; thence south eighty chains; thence east twenty chains to the quarter section corner between sections three and ten, township sixteen north range one west; thence south one mile, more or less, to

Boundaries. the quarter section corner between sections ten and fifteen, township sixteen north range one west; thence west forty chains, more or less, to the northwest corner of said section fifteen, township sixteen north range one west; thence south eighty chains to the southwest corner of said section fifteen; thence west forty chains to the quarter section corner between sections sixteen and twenty-one, township sixteen north, range one west; thence south to the center of said section twenty-one; thence west forty chains to the quarter section corner between sections twenty and twenty-one, township sixteen north range one west; thence south twenty chains; thence east twenty chains; thence south sixty chains; thence east forty chains; thence south twenty chains; thence west twenty chains; thence south twenty chains to the quarter section corner between sections twenty-eight and thirty-three, township sixteen north range one west; thence east twenty chains; thence south twenty chains; thence east sixty chains to the line dividing section thirty-four, township sixteen north range one west, into east and west halves; thence along said center line, south, to the east bank of the Sacramento river; thence along the east bank of the Sacramento river to the center line of Butte slough, lying in the north half of the southeast quarter of section thirty-five, township sixteen north range one west; thence following along said center line of said Butte slough, and following the meanderings thereof, to a point eight hundred feet easterly from a point where the line between sections thirty-five and thirty-six, township sixteen north range one west, crosses said Butte slough; thence northwesterly to the northeast corner of section thirty-five, township sixteen north range one west; thence north nineteen and ninety-eight one-hundredths chains; thence north eighty-nine degrees, twenty-five minutes east, thirty-four and forty-nine one-hundredths chains; thence north no degrees twenty-eight minutes east, ninety-two and eighty-two one-hundredths chains; thence south eighty-five degrees, thirty-four minutes west, forty-three and six one-hundredths chains; thence north three degrees, fourteen minutes east, forty-three and thirty one-hundredths chains; thence south eighty-nine degrees, fifty-eight minutes west, sixty-seven chains, more or less, to the center line of Butte creek; thence along said center line of Butte creek, up the meanderings thereof, in a northerly direction to a point where the south line of the land of the Colusa Shooting Club situated in sections twenty-three and fourteen, township sixteen north, range one west, intersects the center line of said Butte creek; thence southwesterly to the southwest corner of said Colusa Shooting Club land; thence along the exterior boundary line of said Colusa Shooting Club land northwesterly, northeasterly and easterly to a point where said boundary line intersects the center line of said Butte creek; thence along said center line of Butte creek, up the meanderings thereof, in a northerly direction to a point where the quarter section line running easterly and

westerly through the center of section fourteen, township sixteen north, range one west, intersects the center line of said Butte creek; thence south eighty-nine degrees, fifty-eight minutes west, two and sixty-nine one-hundredths chains; thence north thirty-six degrees, forty-six minutes west, eight and sixty-nine one-hundredths chains; thence north one and forty-four one-hundredths chains; thence north seventy-seven degrees, fifty-four minutes east, one and sixty-four one-hundredths chains; thence north eighty-nine degrees, fifty-eight minutes east one and five-tenths chains to the center line of said Butte creek; thence along said center line of Butte creek, up the meanderings thereof, in a northerly direction to a point where the south line of lot number one of section thirty, township seventeen north, range one east, Mount Diablo base and meridian, intersects said center line of Butte creek; thence west, fifty feet, more or less, to the west bank of said Butte creek; thence up the west bank of said Butte creek in a northeasterly direction, and following the meanderings thereof, to a point due east of the point of beginning of this description; thence west thirty-one and sixty-nine one-hundredths chains, more or less, to the point of beginning. All townships above mentioned are of Mount Diablo base and meridian.

Boundaries.

CHAPTER 20.

An act making an appropriation to meet the deficiency in the appropriation for the salaries of assemblymen for the seventy-first and seventy-second fiscal years.

[Approved March 4, 1921. In effect immediately.]

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

SECTION 1. The sum of seven hundred fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for salaries of assemblymen for the seventy-first and seventy-second fiscal years.

Deficiency
appropriation:
salaries of
assemblymen.

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

CHAPTER 21.

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

[Approved March 4, 1921. In effect immediately.]

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

Deficiency
appropriation:
mileage
of assembly-
men.

SECTION 1. The sum of three thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for the mileage of assemblymen for the seventy-first and seventy-second fiscal years.

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

CHAPTER 22.

An act to amend sections three thousand six hundred sixty-four a, three thousand six hundred sixty-four b, three thousand six hundred sixty-four c and three thousand six hundred sixty-four d of the Political Code, all relating to taxation of public service and other corporations, banks and insurance companies for the benefit of the state.

[Approved March 5, 1921. In effect immediately.]

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

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

Public
utilities
to pay
state tax.

3664a. 1. All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car and palace car companies, all refrigerator, oil, stock, fruit, and other car-loading, and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel, or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state.

2. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

Companies partly within and without state.

3. The percentages above mentioned shall be as follows: On all railroad companies, seven per cent; on all street railways, herein defined to include interurban electric railways and gaso-line propelled railways, five and a quarter per cent; on all sleeping car, dining car, drawingroom car, palace car companies, refrigerator, oil, stock, fruit, and other car-loaning, and other car companies, five and one-quarter per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, one per cent; on all telegraph and telephone companies, five and one-half per cent; on all companies engaged in the transmission or sale of gas or electricity, seven and one-half per cent.

Percentages.

4. Such taxes shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property above enumerated of such companies except as otherwise provided in section fourteen of article thirteen of the constitution of this state.

In lieu of other taxes.

5. The word "municipal" as used in section fourteen of article thirteen of the constitution of this state and in the sections of this code enacted to carry the same into effect shall apply to incorporated towns and cities formed under article eleven of the constitution of this state and to none other.

"Municipal" defined.

In the event that it shall be hereafter finally determined by the courts that the legislature is without power to fix a different percentage upon the gross receipts from operation of street railways than the percentage herein fixed for railroad companies, then the percentage upon the gross receipts from operation of street railways is hereby fixed at seven per cent.

Percentage for street railways.

SEC. 2. Section three thousand six hundred sixty-four *b* of the Political Code is hereby amended to read as follows:

3664*b*. Every insurance company or association doing business in this state shall annually pay to the state a tax of two and sixty hundredths per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; *provided*, that there shall be deducted from said two and sixty hundredths per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise provided in the constitution of this state; *provided*, that when by the laws of any other state or country, any taxes, fines,

Tax on gross premiums of insurance companies.

penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind must be imposed by the insurance commissioner upon insurance companies of such other state or country doing business in this state.

SEC. 3. Section three thousand six hundred sixty-four c of the Political Code is hereby amended to read as follows:

Tax on
bank stock.

3664c. 1. The shares of capital stock of all banks, organized under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner hereinafter provided, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the state, of one and forty-five hundredths per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank.

In lieu of
other taxes.

2. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon such shares of stock and upon the property of such bank, except county and municipal taxes on real estate and except as otherwise provided in the constitution of this state.

Value of
real estate
deducted.

3. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes.

Banks liable
for tax.

4. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time hereinafter provided, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

Tax on unincorporated
banks, etc.

5. The moneyed capital, reserve, surplus, undivided profits, and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the same manner as above provided for incorporated banks, and taxed at the same rate that

is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this section.

6. In the case of a branch, an agency, or other representative of any bank doing business outside of this state, the capital of said branch, agency, or representative used in this state shall be taken to be the average amount owed by the said branch, agency, or representative to the bank of which it is a branch, agency, or representative during the year ending the first Monday in March. The value of said property shall be determined by taking the entire property invested in such business, together with all reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank or banker and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers mentioned in this section, except county and municipal taxes on real estate, and except as otherwise provided in the constitution of this state. All moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in this section. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this section, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them which would go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

Branch of bank doing business outside of state.

7. The word "banks" as used in section fourteen of article thirteen of the constitution of this state and in the sections of this code enacted to carry the same into effect shall include banking associations, unincorporated banks and bankers, branches, agencies or other representatives of any banks doing business outside of the State of California, savings and loan societies, and such trust companies, as conduct the business of receiving money on deposit, but shall not include building and loan associations.

"Banks" defined.

SEC. 4. Section three thousand six hundred sixty-four *d* of the Political Code is hereby amended to read as follows:

3664*d*. All franchises, other than those of the companies mentioned in sections three thousand six hundred sixty-four *a*, three thousand six hundred sixty-four *b*, and three thousand six hundred sixty-four *c* of this code, shall be assessed at their actual cash value, after making due deduction for good will, in the manner hereinafter provided, and shall be taxed at the rate of one and six-tenths per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state. These franchises shall include the actual exercise of the right to be a corporation and to do business as a corporation under the laws of this state and the actual exercise of the right to do business as a corporation in

Assessment and tax of franchises.

this state when such right is exercised by a corporation incorporated under the laws of any other state or country, also the right, authority, privilege, or permission to maintain wharves, ferries, toll roads, and toll bridges, and to construct, maintain or operate, in, under, above, upon, through or along any streets, highways, public places, or waters, any mains, pipes, canals, ditches, tanks, conduits or other means for conducting water, oil, or other substances.

Procedure in determining tax levy.

SEC. 5. This tax levy, and each and every of the percentages or rates of taxation herein and hereby determined, made, fixed and established to be paid by the persons, firms, companies and corporations specified, described or included in section fourteen of article thirteen of the constitution, are and have been determined, made, fixed and established after a full, complete, open and public investigation and hearing by and before this legislature upon and respecting the value of each and all of the properties and franchises included within or enumerated in section fourteen of article thirteen of the constitution, and of all other and different property subject to taxation of any kind within the State of California, of which investigation and hearing every and all persons, firms, companies and corporations concerned therein or affected thereby had due notice; and at which investigation and hearing the legislature took oral and written evidence and at which hearing every and all persons, firms, companies and corporations concerned therein or affected thereby and who desire so to do, were given an opportunity to and did appear and were heard and introduced evidence before this legislature respecting and showing the value of said properties and franchises included within or enumerated in said section fourteen of article thirteen of the constitution and also respecting and showing the value of all other and different property subject to taxation of any kind within the State of California, and after the due consideration of all of said evidence by this legislature and its ascertainment and determination therefrom and thereon of the value of said and all of said hereinbefore mentioned properties and franchises; and the percentages or rates of taxation herein and hereby determined, fixed and established have been and are determined, fixed and established, and have been and are based, upon the value of each, all and every of the properties and franchises included within or enumerated in said section fourteen of article thirteen of the constitution as ascertained and determined as aforesaid by this legislature and constitute and are the percentages or rates of taxation ascertained and determined by this legislature which when applied in the manner provided and required by law, do and will levy a tax upon said properties and franchises included within or enumerated in said section fourteen of article thirteen of the constitution in proportion to the value of the same and in proportion to the value of every and all other and different property subject to taxation of any

kind within the State of California as ascertained and determined as aforesaid by this legislature.

SEC. 6. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. The legislature hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional.

Constitution-
ality.

SEC. 7. This act, inasmuch as it provides for a tax levy, shall, under the provisions of section one of article four of the constitution, take effect immediately.

Urgency
measure.

CHAPTER 23.

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

[Approved March 10, 1921. In effect immediately.]

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

SECTION 1. The sum of one thousand five hundred dollars is hereby appropriated out of money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for the mileage of state senators for the seventy-first and seventy-second fiscal years.

Deficiency
appropriation:
mileage of
senators.

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

CHAPTER 24.

An act to legalize and declare valid all proceedings in Beaumont irrigation district.

[Approved March 22, 1921. In effect July 20, 1921.]

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

SECTION 1. Beaumont irrigation district as formed by the board of supervisors of Riverside county, State of California, and as now existing, is hereby legalized and declared valid and all proceedings on organization and formation are hereby approved and declared valid.

Beaumont
irrigation
district
validated.

CHAPTER 25.

An act to validate bonds of Tomales joint union high school district.

[Approved March 25, 1921. In effect immediately.]

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

Tomales joint
union high
school dis-
trict bonds
validated.

SECTION 1. All proceedings taken for the purpose of issuing and selling bonds of the Tomales joint union high school district, and all the acts and proceedings of the governing body of the district and all the acts and proceedings of the board of supervisors of the county within which the district is situated, and all acts and proceedings heretofore had in respect thereto are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of said district and of the board of supervisors of the county in which the district is situated to issue such bonds is hereby ratified, confirmed and declared and the bonds heretofore sold are declared to be and the bonds hereafter sold shall be the legal binding obligations of and against said district, and the faith and credit of the district are hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

SEC. 2. Inasmuch as this act presents a case of urgency, it is hereby declared an urgency measure, and shall, under the provisions of section one of article four of the constitution, take effect immediately.

CHAPTER 26.

An act to add a new section to the Political Code to be numbered three thousand two hundred two, relating to copyrights.

[Approved March 31, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to read as follows:

Copyrights.

3202. Any person may file with the secretary of state a printed or typewritten copy of any lecture, sermon, address, dramatic composition, story or motion picture scenario together with an affidavit attached thereto setting forth that such person is the author of the said printed or typewritten matter, and is entitled to all the rights and benefits accruing therefrom.

Upon receipt of such printed or typewritten matter and the accompanying affidavit, the secretary of state shall file the

same in his office, keeping a record thereof showing the date of filing, name of the claimant, and the title of the lecture or other printed or typewritten matter, and shall at the time of filing, issue to the claimant a certificate of filing under the great seal of state, which certificate shall set forth the facts so recorded.

The said certificate of filing or a certified copy thereof together with a certified copy of the documents so filed shall be admitted in any court as prima facie evidence of the facts recited therein.

A filing fee of five dollars shall be paid to the secretary ^{Filing fee.} of state for each certificate of filing. All fees received therefrom shall be deposited in the state treasury.

CHAPTER 27.

An act to add to the Code of Civil Procedure a new section to be numbered one thousand five hundred seventy-seven a, relating to probate proceedings upon petition for leave to borrow money upon unsecured notes.

[Approved March 31, 1921. In effect July 29, 1921.]

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

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

1577a. Whenever in any estate now being administered or that may hereafter be administered, or in any guardianship proceeding now pending, or that may hereafter be pending, it shall appear to the superior court, or the judge thereof, having jurisdiction of said estate, or said minor or incompetent person, to be for the advantage, benefit or best interest of the estate or said minor or incompetent person, to borrow money upon a note or notes, without being secured, the court or judge thereof, as often as occasion therefor shall arise in the administration of any estate, or in the course of any guardianship, may upon petition and notice of hearing, as provided in this section, authorize, empower and direct the executor, or administrator, or guardian of such minor or incompetent person, to execute a note or notes, without security.

Power of executor or guardian to borrow money upon unsecured notes.

The proceeding to be taken to obtain an order to borrow said money and execute said note or notes, shall be as follows:

First—The executor or administrator of any estate, or ^{Petition.} guardian of any minor or incompetent person must file a verified petition showing.

(a) The particular purpose or purposes for which it is proposed to borrow said money, and the purpose or purposes for which it is to be used,

(b) The advantage or advantages that may accrue to said estate from borrowing said money and executing said note or notes,

(c) The amount of money to be borrowed, the rate of interest to be paid, and the length of time said note or notes are to run.

Hearing.

Second—Upon filing such petition, the clerk of the court shall fix a day for hearing the same by the court.

Third—The petitioner shall cause notice of the hearing to be mailed, postage prepaid, to the heirs at law of said decedent, and to the devisees and legatees resident in the State of California, and to the nearest relatives of said minor or incompetent person, resident in the State of California, at least ten days before the hearing, addressed to them at their respective post-office addresses, if known. Otherwise, at the county seat at the county where the proceedings are pending.

Fourth—At the time and place appointed for said hearing, or at such other time and place to which the hearing may be postponed by the court, the court must proceed to hear the petition, and any objections that may be filed or presented thereto, and, if, after a full hearing, the court is satisfied that it will be for the advantage, benefit, or best interest of the estate of said decedent, or of said minor or incompetent person, to borrow said money, and execute said note or notes, without security, an order must be made, authorizing, empowering and directing the executor, or administrator, or the guardian of such minor or incompetent person to borrow said money, and to make and execute said note or notes, without security, specifying in said order the amount that may be borrowed, the rate of interest that is to be paid, and the length of time that said note or notes are to run.

Fifth—After the making of the order to borrow said money and execute said note or notes, the executor, administrator, or guardian of the minor or incompetent person, shall execute and deliver a promissory note or notes, without security, for the amount, at the rate of interest, and for the period prescribed in said order, and said note or notes shall be signed by the executor, or administrator or guardian, as such, and shall create no personal liability against the person so signing.

Sixth—Any note or notes so signed and executed, shall be effectual to create a valid obligation and debt against said estate, or said minor or incompetent person, and shall be payable out of the funds of said estate, and said note or notes shall specify that it is made by authority of such order, giving the date thereof.

CHAPTER 28.

An act giving and granting to the board of park commissioners of the city of San Diego the right to use and the right to authorize the use of Balboa park in said city for exposition purposes.

[Approved March 31, 1921. In effect July 29, 1921.]

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

SECTION 1. The board of park commissioners of the city of San Diego, California, is hereby authorized and empowered to use, or authorize any exposition company to use, any part or portion of the lands set aside as a public park by resolution of the board of trustees of the city of San Diego and approved and ratified by an act of the legislature of the State of California, approved February 4, 1870, for the purpose of giving an exposition annually in the years 1921, 1922, 1923, 1924 and 1925. Use of San Diego park lands for exposition.

SEC. 2. The board of park commissioners of the city of San Diego is hereby authorized and empowered to enclose any part or portion of said park which may be set aside for the use herein set forth and charge an entrance or admission fee to said exposition, and may sell, give, or grant, to any person or persons, association or associations, corporation or corporations, such rights, privileges and concessions as are usually granted by expositions, or such rights, privileges, and concessions as may be expedient or necessary to the success of said exposition, and said city may charge and collect compensation therefor. The power and authority conferred by this act on the said board of park commissioners of the city of San Diego may be by said city delegated to any exposition company or corporation now or hereafter organized for the purpose of promoting, financing or giving said exposition.

SEC. 3. This act shall not apply to any park lands owned by the city of San Diego other than pueblo lots 1129, 1130, 1131, 1135, 1136, 1137, 1142, and a portion of pueblo lot 1144, according to the official survey of the city of San Diego by Charles H. Poole, made in 1856, which pueblo lots are now and shall hereafter be known and designated as Balboa park. Lands excluded

CHAPTER 29.

An act to recognize and declare valid all proceedings in and relative to the organization of Byron-Bethany irrigation district.

[Approved March 31, 1921. In effect July 29, 1921.]

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

Byron-Bethany
irrigation
district
validated.

SECTION 1. Byron-Bethany irrigation district in the counties of Contra Costa, Alameda and San Joaquin as formed by the board of supervisors of Contra Costa county and as now existing is hereby recognized and declared valid and all proceedings on the formation and organization thereof are hereby approved and declared valid.

CHAPTER 30.

An act to recognize and declare valid all proceedings in and relative to the organization of West Stanislaus irrigation district.

[Approved March 31, 1921. In effect July 29, 1921.]

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

West Stanislaus
irrigation
district
validated.

SECTION 1. West Stanislaus irrigation district in the counties of Stanislaus and Merced as formed by the board of supervisors of Stanislaus county and as now existing is hereby recognized and declared valid and all proceedings on the formation and organization thereof are hereby approved and declared valid.

CHAPTER 31.

An act to recognize and declare valid all proceedings in drainage district number two hundred of Butte county.

[Approved March 31, 1921. In effect July 29, 1921.]

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

Drainage dis-
trict No. 200
of Butte
county
validated.

SECTION 1. Drainage district number two hundred of Butte county, as formed by the board of supervisors of the county of Butte, State of California, and as now existing, is hereby recognized and declared valid and all proceedings on the organization and formation thereof are hereby approved and in all respects declared valid.

CHAPTER 32.

An act to validate bonds of Marin municipal water district of Marin county, California, and all proceedings relating thereto.

[Approved March 31, 1921. In effect July 29, 1921.]

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

SECTION 1. Bonds in the amount of five hundred thousand dollars (\$500,000) of the Marin municipal water district of Marin county, California, known as "water works extension bonds" and all the acts and proceedings of said district and of the board of directors thereof leading up to the special bond election and including the acts of the election officers and the board of directors, sitting as a board of canvassers of the vote had at the special water district bond election, held in said district on November 23, 1920, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes and said bonds when issued and sold shall be and are hereby declared to be legal and valid obligations of said district, and the faith and credit of said district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds, and the said bonds by their issuance shall be conclusive evidence of the legality of all proceedings leading up thereto. Said bonds were authorized by virtue of an election held in said district on November 23, 1920, at which more than two-thirds of the votes cast were in favor of incurring such bonded indebtedness, as found and determined by the board of directors of said district upon canvassing such election returns. Said finding and determination of the result of said election shall be and is hereby determined to be final and conclusive.

Marin municipal water district bonds validated

CHAPTER 33.

An act to amend section one thousand seven hundred three and one-half of the Code of Civil Procedure, relating to the distribution of estates of deceased persons where a portion of the estate consists of money, and the distributee can not or will not receive distribution thereof personally.

[Approved March 31, 1921. In effect July 29, 1921.]

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

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

1703½. When any estate is distributed by the judgment or decree of the court or a judge thereof, as provided in this chapter, to a distributee who can not be found and his or her place of residence is unknown or to a distributee who

Distribution of estate to person whose address is unknown, etc.

refuses to accept the same or to give a proper voucher therefor, or to a minor or incompetent person, who has no lawful guardian to receive the same, or person authorized to receipt therefor, the portion of said estate consisting of money shall be paid to and deposited with the county treasurer of the county in which the estate is being probated, who shall give a receipt for the same, and shall be liable on his official bond therefor; and said receipt shall be deemed and received by the court or judge thereof as a voucher in favor of said executor or administrator, with the same force and effect as if executed by the distributee thereof. And this section shall be applicable to any and all estates now pending in which a final decree of discharge has not been granted. Said moneys so paid into the county treasury, shall be paid out upon petition to, and the order of the superior court or judge thereof to the person entitled to receive the same.

CHAPTER 34.

An act concerning corporations of this state and the issue to employees and to persons actively engaged in the conduct of their business of their stock.

[Approved April 2, 1921. In effect July 29, 1921.]

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

Corporations
permitted to
issue stock to
employees.

Assent of
stockholders.

SECTION 1. In all cases and subject to the manner in which corporations are authorized by existing laws to issue or sell shares of their capital stock any corporation may, with the consent of the stockholders under such restrictions as they shall impose, issue by way of additional compensation, or pursuant to sale, shares of its capital stock, whether of an original or of an increased issue, to employees of the corporation and to persons actively engaged in the conduct of its business, or to trustees for such employees or persons; and if such issue be pursuant to sale, such corporation may provide for payment for such stock in installments or at one time, and may provide for aiding any such employees or such persons in paying for such stock by contributions, compensation for services, or otherwise, with or without the right to vote thereon, pending issue thereof, or payment thereof in full. Such consent may be given by the written assent or assents of stockholders holding two-thirds of the subscribed or issued capital stock, which assent or assents must be filed with the secretary of the corporation, or by a vote of stockholders holding two-thirds of the subscribed or issued capital stock of the corporation, at a regular stockholders' meeting, or at a special meeting for that purpose called in the manner prescribed by section three hundred fifty-nine of

the Civil Code. If such approval be by the written assent of stockholders, the directors of the corporation must first adopt a resolution at a regular meeting of the board, or at a special meeting called for that purpose for such issue, stating the maximum amount of stock which it is proposed to issue, and how the price therefor is to be fixed, if said stock is to be sold, or how the same is to be issued, if the same is not sold, and the secretary of the corporation must address by mail, postage fully prepaid, a copy of such resolution to each of the stockholders whose names appear upon the corporation books, at the address of each stockholder as registered on the corporation's books, and if there be none then at the place in which the principal place of business of the corporation is situated, which notice shall be mailed to such stockholders at least thirty days before such written assent of two-thirds of such stockholders shall be final or conclusive.

SEC. 2. Any corporation may provide in its articles of incorporation or by-laws, at the time of organizing the corporation, for the issue of stock to its employees or persons actively engaged in the conduct of its business, as hereinbefore provided. Provision in articles of incorporation.

SEC. 3. Where a corporation has been formed without its charter or by-laws containing provisions for the issue of stock to employees or persons actively engaged in the conduct of its business, as herein provided, any stockholder holding stock issued by such corporation before the enactment of this law, and not voting in favor of such issue or assenting thereto, may, within thirty days after the approval of such issue by two-thirds of the stockholders as herein provided at a regular meeting or special meeting called for that purpose, or by the written assent of two-thirds of the stockholders, as herein provided, filed with the secretary of the corporation, file with the secretary of the corporation a dissent in writing from such issue. The person so dissenting shall, within ten days after the filing of such dissent, and upon five days' notice to the corporation, apply by petition to the superior court of the county in which the corporation has its principal office for the appointment of three disinterested appraisers to appraise the fair value of the stock held by such stockholder in said corporation and issued prior to the enactment of this law without regard to any depreciation or appreciation thereof in consequence of the approval of such issue, whose award (or that of a majority of them) when confirmed by the said court, shall be final and conclusive on all parties, and said corporation shall pay to such stockholder the value of such stock as aforesaid. On receiving such payment, or on a tender thereof, or in case of any legal disability or absence from the state, on the payment of such award into said court, said stock shall be transferred to the said corporation, to be disposed of by the directors thereof or to be retained for the benefit of the remaining stockholders; and in case the said award is not paid within thirty days from the filing of said award and Dissent by stockholder.

Appraisal of stock.

confirmation by said court and notice thereof to be given in the manner aforesaid unto such corporation, the amount of the award shall be a judgment against said corporation, and may be collected as other judgments in said court are by law collected. Such court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve or otherwise. The charges and expenses of the appraisers and appraisal as approved by the court shall be paid by the corporation; *provided, however*, that the corporation may at any time before the proceedings hereinbefore mentioned are instituted or completed, in case of sale of stock pursuant to the provisions hereof, elect to permit such dissenting stockholder to subscribe for his proportionate share of such stock issued at the price at which stock is so sold to employees or to persons actively engaged in the conduct of the business of the corporation, in which event the said proceedings shall not be instituted, or, if instituted, shall be terminated upon the payment of the appraisal expenses as aforesaid by the corporation.

Stock subject
to corporate
securities
act.

SEC. 4. Any issue of stock pursuant to the authority of this act shall be subject to the provisions of the act approved May 18, 1917, chapter five hundred thirty-two of the laws of 1917 and any amendments thereto.

Sale of stock
not affected

SEC. 5. Nothing in this act contained shall be construed to control, limit or otherwise affect the power of any corporation to issue, by way of sale or otherwise, shares of its capital stock, whether to employees or those actively engaged in the conduct of its business or to other persons.

Constitution-
ality.

SEC. 6. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 35.

An act to make available for the use of the United States government suitable places in this state for the public defense and other federal purposes and uses and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corpora-

lions the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the state to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed, and to repeal an act entitled, "An act to make available for the use of the United States war department suitable places in this state for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation, and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States for the use of the war department thereof; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the state to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved April 21, 1919.

[Approved April 2, 1921. In effect July 20, 1921.]

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

SECTION 1. Whenever the board of supervisors of any county or the legislative body of any municipal corporation now or hereafter organized in this state shall consider it desirable or expedient to tender to the United States for the use of the war department or the navy department thereof, and for other federal purposes and uses, a designated tract or parcel of land at such location or locations within any such county or municipal corporation as may be determined upon by the said board of supervisors or legislative body, and such board of supervisors or legislative body shall also determine that it is desirable for the general welfare and benefit of the people of such county or municipal corporation and for the interests of the county or municipal corporation to incur an indebtedness in an amount sufficient to acquire land in such county or municipal corporation aggregating approximately the number of acres so designated at such location or locations as may have been selected and designated by the said board of supervisors or legislative body and in consideration of the benefits to be derived therefrom by such county or municipal corporation, to convey all such lands to the United States to be used by the war department, navy department or for other governmental purposes or uses of the United States, such county or municipal corporation is hereby authorized and empowered by and through its said board of supervisors or legislative body to incur an indebtedness evidenced by negotiable bonds of such county or municipal corporation for such

Indebtedness
to secure
land for
U. S. war
and navy
departments
authorized.

purposes, in any amount not exceeding, together with all existing bonded indebtedness of such county or municipal corporation, five per cent of the taxable property of the county or municipal corporation, as shown by the last equalized assessment book thereof, whenever two-thirds of the qualified electors of the county or municipal corporation voting thereon shall assent thereto, at any election either general or special, at which the proposal to incur such bonded indebtedness may be submitted to such electors in the manner provided by law.

Bonds.

SEC. 2. The bonds authorized to be issued under the provisions of this act in the case of a county shall be issued in the manner provided for in section four thousand eighty-eight of the Political Code, and a payment thereof, both principal and interest, shall be provided for by a tax levy in the same manner as is provided in said section for the payment of principal and interest of other bonds issued by any county, and said section, except as herein modified, is hereby specifically made applicable to all bonds at any time issued under the provisions of this act. The bonds authorized to be issued under the provisions of this act in the case of municipal corporations shall be issued in the manner provided for in an act entitled "An act authorizing the incurring of indebtedness by cities, townships and municipal corporation for municipal improvements, regulating the acquisition, construction and completion thereof," which became a law on February 25, 1901, without the approval of the governor, and the amendments thereto, and the payment thereof, both principal and interest, shall be provided for a tax levy in the same manner as is provided in said act for the payment of the principal and interest on other bonds issued by any such municipal corporation, and said act, except as herein modified is specially made applicable to all bonds at any time issued under the provisions of this act.

Right of eminent domain granted.

SEC. 3. The acquisition of land for the use thereof by the war, navy or other departments of the United States and all such military, naval or other governmental purposes and uses as are now or may be then or thereafter authorized or provided by or under any law of the United States is hereby declared to be a public use, and the right of eminent domain is hereby granted and extended to every county and municipal corporation availing itself of the provisions of this act for every purpose of condemnation, appropriation or disposition intended by this act and such county or municipal corporation is hereby authorized and empowered to condemn and appropriate all lands and rights whatsoever necessary or convenient for carrying out the provisions of this act. Such right of eminent domain may be exercised on behalf of such public use in accordance with the provisions of title seven, part three of the Code of Civil Procedure of the State of California.

Title to conveyed lands.

SEC. 4. Pursuant to the constitution and laws of the United States and especially to paragraph seventeen of section eight of article one of such constitution, the consent of the legislature of the State of California is hereby given to the United States

to acquire, upon the conditions and for the purposes herein set forth, from any county or municipal corporation acting under the provisions of this act, title to all lands herein intended to be referred to; such title to be evidenced by a deed or deeds of such county or municipal corporation signed by the chairman of said board of supervisors or the chairman of said legislative body and attested by the clerk of such county or municipal corporation under seal, and consent of the State of California is hereby given to the exercise by the congress of the United States of exclusive jurisdiction in all cases whatsoever over such tracts or parcels of land so conveyed by it; subject, however, to the right of the state to have concurrent jurisdiction so far that all process, civil or criminal, issued under authority of the state may be executed by the proper officers thereof within such tract, upon any person or persons amenable to the same in like manner and with like effect as if such conveyance had not been made. The said board of supervisors or legislative body shall have the power to insert in every conveyance made under the authority of this act, such conditions subsequent as such board or legislative body shall deem necessary to insure the use of such lands by the United States government for the purposes herein mentioned and to carry out the provisions of this act.

SEC. 5. An act entitled, "An act to make available for the use of the United States war department suitable places in this state for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation, and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States for the use of the war department thereof; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the state to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved April 21, 1919, is hereby repealed.

Stats. 1919,
p. 125,
repealed.

CHAPTER 36.

An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, by amending sections twenty-nine, thirty-six, thirty-eight and thirty-nine thereof.

[Approved April 8, 1921. In effect July 29, 1921.]

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

Stats 1903,
p. 300.

SECTION 1. Section twenty-nine of an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, is hereby amended to read as follows:

Sale of
bonds.

Sec. 29. The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous, to raise money for the construction of said drains and works, the acquisition of said property and rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks in some newspaper published in the county where the office of the board of directors is located, and in any other newspaper, at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder; *provided, however*, that they may reject all bids. Said board shall, in no event, sell any of the said bonds for less than ninety (90) per cent of the par value thereof.

Stats 1903,
p. 303.

SEC. 2. Section thirty-six of said act approved March 20, 1903, is hereby amended to read as follows:

Value of
bonds.

Sec. 36. It shall be unlawful to sell or exchange any of the bonds as herein provided for less than ninety (90) per cent of their par value.

Stats. 1903,
p. 303.

SEC. 3. Section thirty-eight of said act approved March 20, 1903, is hereby amended to read as follows:

Bonds may
be sold from
time to
time.

Sec. 38. When said bonds are issued for the purpose of sale to the highest bidder, the board may sell said bonds from time to time, in such quantities as may be necessary and most advan-

tageous, to raise money to pay bonds, coupons, or other evidences of indebtedness of the district which were outstanding at the time of the filing of said petition, and generally described therein. Resolution of intention must be declared and notice given, and the sale conducted in the manner prescribed in section twenty-nine of this act for the sale of original bonds. Said bonds shall in no event be sold for less than ninety (90) per cent of their par value including accrued interest. All moneys realized from the sale of bonds, issued under the provisions of this section, shall be paid into the hands of the said treasurer, and by him kept in a separate fund, known as the funding fund, and shall be applied exclusively to the payment of bonds, coupons, or other evidences of indebtedness of the district outstanding at the time of filing of the said petition, and described therein.

Sec. 4. Section thirty-nine of said act approved March 20, 1903, is hereby amended to read as follows:

Stats.
1903,
p. 303.

Sec. 39. The bonds issued as herein provided for may be exchanged, at not less than ninety (90) per cent of their par value, including accrued interest, for any of the indebtedness set out and described in the notice of the election authorizing the issuance of said refunding bonds. A contract for such exchange may be made by the board of directors upon such terms as said board may deem advisable; *provided*, that they must receive not less than ninety (90) per cent of par value for the bonds so exchanged.

Exchange of
bonds.

CHAPTER 37.

An act providing for probation officers in counties of the eighth class and fixing their salaries.

[Approved April 8, 1921. In effect July 29, 1921.]

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

SECTION 1. In counties of the eighth class, there shall be one probation officer whose salary shall be the sum of one hundred fifty dollars per month; one assistant probation officer whose salary shall be one hundred dollars per month, and two second assistant probation officers whose salaries shall be seventy-five dollars per month each.

Salaries of
probation
officers,
counties of
eighth class.

CHAPTER 38.

An act authorizing the regents of the University of California to sell and convey certain land situate in Los Angeles county, known as the Santa Monica forestry station, and directing that the proceeds of such sale shall become the property of the regents of the University of California.

[Approved April 12, 1921. In effect July 29, 1921.]

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

The eruption
of Santa
Monica fore-
stry station
tract.

Whereas, the State of California is the owner of a certain tract of land commonly known as the Santa Monica forestry station, situate in the county of Los Angeles, in said state and described as follows:

Beginning at a post marked B, from which an old post, four inches square, at a corner of allotment number one, to R. S. Baker et al., being the station at the beginning of course number twenty-five of the survey of said allotment, according to the official map made by Reynolds and Ruxton, of the partition of the rancho Boca de Santa Monica, filed in the office of the county clerk of Los Angeles county April 7, 1883, bears north eighteen degrees west one and six-tenths chains, and a sycamore tree, thirty-seven inches diameter bears north fifty-five degrees west forty-two links; thence from said post B, following the general contour of the eastern bank of the stream which flows southerly through Rustic canyon, so called, parallel thereto, and about thirty-three to fifty feet therefrom, the following courses and distances: North ten degrees east two and ten-hundredths chains to post C; north thirty-four and one-half degrees west, two and fifty-hundredths chains to post D; north twelve and three-fourths degrees east, one and twenty-hundredths chains to post E; north forty-six and one-half degrees east, one and ten-hundredths chains to post F; north fifty-eight and one-fourth degrees east, two and twenty-hundredths chains to post G; north forty-seven and one-half degrees east one and seventy-hundredths chains to post H; thence leaving said canyon east seventeen and fourteen-hundredths chains to post J on mesa; thence south seven and twenty-seven-hundredths chains, to post K, on edge of mesa; thence south twenty degrees west along same, two and ninety-hundredths chains to post L; thence across mesa west nineteen and ninety-seven-hundredths chains, to a post marked A, in the aforesaid canyon; thence north twenty-two degrees east one and seventy-seven-hundredths chains to the place of beginning, containing twenty acres, and being part of said allotment number one to R. S. Baker et al. in said rancho Boca de Santa Monica; being all that tract of land described in that certain deed from John P. Jones and Arcadia B. de Baker to the State of California, dated the twenty-seventh day of August, 1889, and recorded

at page 241 in book 595 of deeds, Los Angeles county records; and

Whereas, the said tract of land is maintained as a forestry station under the charge of the regents of the University of California; and the expense of maintaining it has become greater than the benefits derived therefrom, it is provided:

1. That the regents of the University of California, a corporation, be and it is hereby authorized and empowered to sell and convey the said tract of land as a whole or in subdivisions, together with all improvements thereon at such times and upon such terms as it may deem proper. Sale of tract authorized.

2. That a deed from said the regents of the University of California to the purchaser or purchasers of said land or any part thereof shall be a good and sufficient conveyance thereof.

3. That the proceeds of such sale or sales of the said land shall be and remain the property of said the regents of the University of California, to be expended by it for the benefit of the forestry department of the college of agriculture of the University of California in such manner and for such purposes as it shall deem expedient.

CHAPTER 39.

An act to amend section four thousand two hundred thirty-two of the Political Code, relating to the compensation of officers in counties of the third class, the assistants, deputies and other employces of said officers.

[Approved April 8, 1921. In effect July 29, 1921.]

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

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

4232. In counties of the third class the county and township officers shall receive as full compensation for the services required of them by law or by virtue of their office, the following salaries: Counties of third class, salaries of officers.

1. The county clerk, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy to act as judgment clerk, whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one deputy to act as assistant judgment clerk, whose salary is hereby fixed at the sum of two thousand two hundred and twenty dollars per annum; one deputy to act as assistant clerk of the board of supervisors, whose salary is hereby fixed at the sum of three thousand dollars per annum; one deputy to act as chief registration County clerk.

clerk whose salary is hereby fixed at the sum of two thousand two hundred and twenty dollars per annum; four deputies whose salaries are hereby fixed at the sum of two thousand two hundred and twenty dollars per annum each; twenty deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; two deputies whose salaries are hereby fixed at the sum of one thousand five hundred dollars per annum each. All the foregoing deputies herein provided for, shall be appointed by the county clerk of said county, and their salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk.

Such additional deputies are also allowed the said county clerk in each year in which a general election is to be held throughout the state, as he may appoint and whose compensation shall not exceed in the aggregate the sum of twelve thousand dollars; also such additional deputies in each year in which a presidential primary election is held, as he may appoint and whose compensation shall not exceed in the aggregate the sum of one thousand five hundred dollars; also such additional deputies in the event of a special election being held within the county as he may appoint and whose compensation shall not exceed in the aggregate the sum of one thousand five hundred dollars; *provided, further*, that in each year in which a new and complete registration of voters is required by law, the county clerk in counties of this class may appoint for each voting precinct in the county, one additional deputy who shall be a qualified elector of the precinct for which appointed and who shall be paid five cents per name for each elector legally registered by him or her in the same manner as other county claims are paid.

Sheriff.

2. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff, one undersheriff, whose salary is hereby fixed at the sum of three thousand dollars per annum; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; one chief jailer whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; two deputies who shall act as detectives whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; twenty-one deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; two engineers for the jail whose salaries are hereby fixed at the sum of two thousand two hundred eighty dollars per annum each; two deputies who shall act as process servers in addition to their other duties whose salaries are hereby fixed at the sum of two thousand one hundred dollars per annum each; one matron for the jail whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum; one assistant matron for a period of not to exceed two weeks in any one year and to serve only during the vacation of the matron, whose salary is hereby fixed at the

sum of sixty-two and one-half dollars for such two weeks; *provided, further*, that all the foregoing deputies and assistants of such sheriff herein provided for shall be appointed by the sheriff and their salaries shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices and all expenses necessarily incurred by him in the pursuit of criminals and the same shall be a charge against the county and allowed as such by the board of supervisors and paid as other county charges are paid.

3. The recorder, five thousand dollars per annum; *provided*,^{Recorder.} that during the term of office of the present incumbent the salary of the recorder shall be four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists who shall be appointed by the recorder of such county and who shall be paid salaries and compensations as follows: one chief deputy whose salary is hereby fixed at the sum of three thousand dollars per annum; thirteen deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; two deputies whose salaries are hereby fixed at the sum of one thousand eight hundred dollars per annum each; *provided, further*, that the salaries of the deputies herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided, further*, that in counties of this class, the recorder shall be entitled to the actual cost incurred by him for the recording of all papers documents and records in his office not to exceed seven and three-fourths cents per folio for long hand recording and not to exceed six cents per folio for typewritten recording for each paper or document so recorded; *and provided, further*, that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons and the amounts paid to each for such recording.

4. The auditor, five thousand dollars per annum; *provided*,^{Auditor.} that during the term of office of the present incumbent the salary of the auditor shall be four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor, one chief deputy, whose salary is hereby fixed at the sum of three thousand dollars per annum; one deputy to act as accountant whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one deputy to act as redemption clerk whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; one deputy to act as warrant clerk whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; three deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum

each; one deputy to act as stenographer whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum; and such additional assistants during the period in each year from July first to December thirty-first as the auditor may appoint and whose compensation shall not in the aggregate exceed the sum of two thousand dollars per annum; *and provided, further*, that the auditor shall file with the county clerk, a sworn statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistants as aforesaid; *provided, further*, that the deputies and assistants herein provided shall be appointed by the auditor of said county and their salaries paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the auditor.

Treasurer.

5. The treasurer, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer, one chief deputy whose salary is hereby fixed at the sum of three thousand dollars per annum; one deputy whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; two deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; all of which sums shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the treasurer; *provided*, that all of said deputies herein provided shall be appointed by the treasurer of said county; *and provided, further*, that all commissions and fees required or permitted by any law of this state or of the United States, to be collected by the treasurer either as an officer or ex officio officer, his deputies or assistants, for the performance of any official duty, shall be collected for the benefit of the county and shall be paid into the salary fund of the county monthly.

Tax-collector.

6. The tax collector, five thousand dollars per annum; *provided*, that during the term of office of the present incumbent the salary of the tax collector shall be four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector, one chief deputy, whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy who shall act as chief clerk whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one deputy who shall act as cashier whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; twelve deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; *provided, further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year at a salary of one hundred thirty-five dollars per month each; six extra deputies for a period not to exceed five months in any one year at a salary

of one hundred and thirty-five dollars per month each; six extra deputies for a period not to exceed four months in any one year at a salary of one hundred and thirty-five dollars per month each; *provided, further*, that in counties of this class the tax collector shall appoint six persons to be known as indexers and whose duties it shall be under the supervision and direction of the tax collector to compile, make out and complete an index of the assessment roll of the county, and of the sanitary assessment rolls for each sanitary district in counties of this class yearly, as soon as the said rolls are completed by the assessor of the county, and each assessor of said sanitary districts and for each year thereafter. The said indexes to be a public record for use of the tax collector and the general public and to be kept in the office of the tax collector during the collection of taxes and to be turned over to the auditor at the same time as the assessment rolls are turned over in the final settlement of the tax collector with the county auditor. Such indexers shall be paid a salary of one hundred thirty-five dollars per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; *provided, further*, that the chief deputy and all other deputies and assistants herein provided for shall be appointed by the tax collector of said county, and the salaries of said chief deputy and all other deputies and assistants herein provided for, shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the tax collector.

7. The license collector shall receive fifteen per cent of all licenses collected by him. License collector.

8. The assessor, seven thousand dollars per annum and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class, there shall be, and there is hereby allowed to the assessor, the following assistants and deputies who shall be appointed by the assessor and paid salaries as follows: one assistant assessor whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one chief deputy whose salary is hereby fixed at the sum of three thousand dollars per annum; one deputy who shall act as chief clerk whose salary is hereby fixed at the sum of three thousand dollars per annum; eleven deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars per annum each; fourteen deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; one deputy whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; two deputies for a period not to exceed six months in any one year whose salaries are hereby fixed at the rate of one hundred sixty-six and two-thirds dollars per month each; ten deputies for a period not to exceed five months in any one year Assessor.

whose salaries are fixed at the sum of one hundred thirty-five dollars per month each; and such additional deputies as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of four thousand dollars per annum; *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amount paid and the persons to whom such compensation is paid for such extra assistants as aforesaid; *provided, further*, that the number of deputies, not to exceed four, which are assigned by the assessor to do field work outside of incorporated cities or towns within counties of this class shall be allowed their actual and necessary traveling expenses while engaged in assessing personal property in the said unincorporated territory.

The salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor; *provided, however*, that should the assessor be directed by any law or by any order of the board of supervisors or by any municipality within the counties of the third class to prepare maps, plats or block books for the use of the county or assessment rolls for the use of any municipality, then said assessor shall make said maps, plats or block books or assessment rolls for the use of any municipality but shall only receive the actual cost by him incurred in making or preparing said maps, plats, block books or assessment rolls; *and provided, further*, that he shall file with the county auditor a sworn statement showing the persons to whom and the amounts paid to each for such maps, plats, block books or assessment rolls, and shall account forthwith and pay to the county any difference between such costs and the amount allowed him for such work; *and provided, further*, that the salaries herein named shall be in full compensation for all services of every kind and description rendered by the assessor, his deputies or assistants; *and it is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section one thousand nine hundred one of the Political Code.

District
attorney.

9. The district attorney, six thousand dollars per annum; *provided*, that during the term of office of the present incumbent the salary of the district attorney shall be four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following assistants, deputies and employees who shall be appointed by the district attorney and who shall be paid salaries as follows: one assistant district attorney whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one chief deputy district attorney whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; two deputies whose salaries are

hereby fixed at the sum of three thousand three hundred dollars per annum each; two deputies whose salaries are hereby fixed at the sum of three thousand dollars per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand seven hundred dollars per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; one deputy to act as bond and warrant clerk in addition to his other duties whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each whose duty it shall be in addition to performing services as deputies district attorney to attend the sessions of the police courts in cities of the second class and conduct on behalf of the people all prosecutions for public offenses of which said police court shall have jurisdiction; one clerk whose salary is hereby fixed at the sum of two thousand dollars per annum; one clerk and private exchange operator at a salary of nine hundred sixty dollars per annum; three stenographers whose salaries are hereby fixed at the sum of one thousand five hundred dollars per annum each; one detective who shall assist the district attorney in the detection of crime and prosecution of criminal cases whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; *and provided, further*, that nothing herein contained shall be construed as preventing the board of supervisors of counties of this class from employing special counsel in civil cases when the judgment of said board determines the interests of said counties to require it.

The salaries of said assistant district attorney, deputies, and all other persons in this subdivision provided for, shall be payable by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

10. The coroner, four thousand dollars per annum; and his necessary traveling expenses as follows: ten cents per mile for distance actually traveled outside the cities of Oakland, Berkeley, Alameda, Piedmont, Emeryville and San Leandro; said traveling expenses not to exceed twenty dollars in any one calendar month: *provided, further*, that in counties of this class, there shall be and there hereby is allowed to the coroner, one autopsy physician and surgeon, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, who shall perform all autopsies and inspections in all cases required by the coroner except that where the distance from the county seat exceeds twenty miles the coroner may subpoena a physician or surgeon to perform such autopsy or inspect the body; one deputy, whose salary is hereby fixed at the sum of two thousand dollars per annum, and one stenographer whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum and who shall be paid in addition thereto, for transcribing all the

testimony and proceedings taken by him at any inquest, the sum of ten cents per one hundred words for one copy and five cents per one hundred words for two copies made at one time and in every case where the death of any person shall have been caused by the criminal act of another such stenographer shall make a copy of the transcript of the testimony and proceedings taken at said inquest for the use of the district attorney of said county; in all inquests so reported the fees for transcribing as provided herein shall be paid out of the county treasury upon the order of the coroner.

When such testimony is taken down by such stenographer as herein set forth his transcription thereof duly certified to by him shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenographer. The autopsy physician and surgeon, deputy and stenographer herein provided for shall be appointed by the coroner and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the coroner is paid.

Public
adminis-
trator.

Superintend-
ent of
schools.

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

12. The superintendent of schools four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one assistant superintendent of schools whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one chief deputy whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of two thousand dollars per annum; said assistants and deputies shall all be appointed by the said superintendent of schools of said county and their salaries shall be paid in equal monthly installments out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Surveyor

13. The surveyor, five thousand dollars per annum; *provided*, that during the term of office of the present incumbent the salary of the surveyor shall be four thousand dollars per annum; that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one stenographer whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum. The salary of such surveyor shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law, or by order of the board of supervisors of such county, shall be performed by the surveyor at actual cost; *provided, however*, that on all such work other than block book work hereinafter

provided for, transit men and office men when actually engaged on such county work shall receive a per diem of not to exceed ten dollars, and chain men when actually engaged in such county work shall receive a per diem of not to exceed six dollars; *and provided, further*, that for the making, platting, tracing or otherwise preparing maps, plats or block books for the use of the county or any municipality within such county there shall be and there hereby is allowed to the surveyor the following draughtsmen who shall be paid salaries as follows: two draughtsmen whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; two assistant draughtsmen whose salaries are hereby fixed at the sum of two thousand dollars per annum each; *and provided, further*, that the surveyor shall be allowed all necessary expenses for work performed for the county by virtue of his office and all necessary expenses and transportation for work performed in the field. The said surveyor shall render to the auditor of said county a monthly sworn statement showing therein the kind and nature of work performed, the dates, amounts paid to assistants and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of all other fees, commissions or compensations of whatever kind or nature for services performed by said surveyor for said county. The deputy and all persons herein provided for shall be appointed by the surveyor and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as are the salaries of county officers of counties of this class.

14. Justices of the peace shall each receive the following monthly salaries: to be paid each month in the manner and out of the same fund as county officers are paid which salaries shall be in full for all services rendered by such justices of the peace; in townships having a population of more than seventy-five thousand, four thousand dollars per annum; in townships having a population of forty-five thousand and less than seventy-five thousand, two thousand four hundred dollars per annum; in townships having a population of twenty thousand and less than forty-five thousand, two thousand four hundred dollars per annum; in townships having a population of less than twenty thousand, one thousand six hundred twenty dollars per annum; *and provided, further*, that each justice of the peace must keep a book, open for the inspection of the public during office hours, in which must be entered at once and in detail the amount of all fees and fines collected by him as such justice of the peace and on the first Monday of each and every month he must pay such fees and fines so collected into the county treasury or city treasury as provided by law; *and provided, further*, that the board of supervisors of counties of the third class shall furnish each justice of the peace with a suitable office in which to hold court and shall also furnish the necessary furniture, books, blanks and supplies for said court; *and provided, further*, that

Justices
of the
peace.

in townships having a population of more than seventy-five thousand there shall be one justice's clerk, and one deputy justice's clerk, who shall be appointed by the justice of the peace of said township, or justices, if more than one, and who shall perform such duties as are required of them by law or the justice or justices of said township. The salary of said clerk is hereby fixed at the sum of two thousand two hundred twenty dollars per annum and that of the deputy clerk at one thousand six hundred twenty dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year anno domini 1910.

Any increase in the salary of the justice of the peace as herein provided shall not become effective during the term of office of any present incumbent.

Constables.

15. Constables shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as other county officers are paid which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than seventy-five thousand, one hundred sixty-six and two-thirds dollars; in townships having a population of forty-five thousand and less than seventy-five thousand, one hundred thirty-five dollars; in townships having a population of twenty thousand and less than forty-five thousand, one hundred twenty-five dollars; in townships having a population of less than twenty thousand, one hundred thirty-five dollars. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be, and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail, such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the same manner as are other claims. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year anno domini 1910; *provided, further*, that in townships having a population of more than seventy-five thousand, the board of supervisors of counties of the third class shall furnish each constable with a suitable office and supplies for said office.

Any increase in the salary of any constable as herein provided shall not become effective during the term of office of any present incumbent.

16. Each supervisor three thousand dollars per annum; ^{Supervisors.} *provided*, that in counties of this class supervisors charged as road commissioners with the inspection of five hundred or more miles of roads within their respective districts, shall be and they are hereby allowed their actual traveling expenses not to exceed the sum of seventy-five dollars in any one calendar month; *and provided, further*, that, in counties of this class supervisors charged as road commissioners with the inspection of two hundred fifty and not exceeding five hundred miles of roads within their respective districts shall be, and they are hereby allowed their actual traveling expenses not to exceed fifty dollars in any one calendar month; *and provided, further*, that in lieu of the above mentioned amounts for traveling expenses, said supervisors charged as road commissioners may be furnished with automobiles by counties of the third class; *provided, further*, that nothing herein contained shall be construed to prevent the use of county automobiles while engaged in the performance of their official duties, by supervisors of counties of this class not so charged as road commissioners. During the term of office of any present incumbent the salary of such incumbent shall be two thousand seven hundred dollars per annum, with the traveling expenses now provided by law.

17. The county librarian three thousand dollars per annum, ^{County librarian.} payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; *provided*, that during the term of office of the present incumbent the salary of the county librarian shall be two thousand four hundred dollars per annum and the board of supervisors may appoint all necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses.

18. The scaler of weights and measures three thousand ^{Scaler of weights and measures.} dollars per annum and deputy scalers of weights and measures the sum of two thousand dollars per annum each payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; said deputies to be appointed as provided by law.

SEC. 2. This act shall take effect ninety days after the final adjournment of the present session of the legislature.

CHAPTER 40.

An act to amend section nine of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California and repealing an act entitled 'An act to provide county library systems' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended.

[Approved April 8, 1921. In effect July 29, 1921.]

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

Stats. 1911,
p. 83,
amended.

SECTION 1. Section nine of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California and repealing an act entitled 'An act to provide county library systems' approved April 12, 1909, and all acts and parts of acts in conflict with this act" is hereby amended to read as follows:

Salaries
of county
librarians.

Sec. 9. The county librarian shall, prior to entering upon the duties of his office, file with the county clerk the usual oath of office and a bond, conditioned upon the faithful performance of his duties, with sufficient sureties approved by a judge of the superior court in the county of which the librarian is to be the county librarian, in such sum as may be determined by the board of supervisors. The county librarian shall, subject to the general rules adopted by the board of supervisors, build up and manage, according to accepted principles of library management, a library for the use of the people of the county, and shall determine what books and other library equipment shall be purchased. The salary per annum of the county librarian shall be as follows: In counties of the first and second class, the sum of two thousand four hundred dollars; in counties of the third class, the sum of three thousand dollars; of the fourth to the tenth classes inclusive, two thousand dollars; of the eleventh to the twentieth classes inclusive, one thousand eight hundred dollars; of the twenty-first to the thirtieth classes inclusive, one thousand five hundred dollars; of the thirty-first to the forty-eighth classes inclusive, one thousand two hundred dollars; and of the forty-ninth to the fifty-seventh classes inclusive, five hundred dollars. The salary of each of the county librarians here provided shall be paid by each of such counties in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. The county librarian and his assistant shall be allowed actual and necessary traveling expenses incurred on the business of the office. In the case of any conflict in the salaries provided for in this section nine, and those provided elsewhere in this act, or those which may be provided elsewhere by law, the salaries

provided in this section nine shall be subordinate to and shall be controlled by the salaries elsewhere specified in this act or elsewhere specified by law, regardless of whether or not the other provisions of law have been enacted prior or subsequent to the enactment of this amendment to said section nine.

CHAPTER 41.

An act making an appropriation to defray the expense of legislative printing for the forty-fourth session of the legislature of the State of California.

[Approved April 15, 1921. In effect immediately.]

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

SECTION 1. The sum of twenty-four thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to defray the expense of legislative printing for the forty-fourth session of the legislature. Appropriation legislative printing

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

CHAPTER 42.

An act making an appropriation to defray the expense of legislative printing for the forty-fourth session of the legislature of the State of California.

[Approved April 15, 1921. In effect immediately.]

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

SECTION 1. The balance remaining in the appropriation made by the act entitled, "An act making an appropriation to defray the expense of legislative printing for the forty-third session of the legislature of the State of California," approved January 24, 1919, amounting to the sum of thirty-six thousand eight hundred seventy-three dollars and thirty-four cents, is hereby reappropriated to defray the expense of legislative printing for the forty-fourth session of the legislature. Appropriation: legislative printing.

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

CHAPTER 43.

An act granting certain lands in the city of San Diego to the United States of America; and ratifying and declaring valid a conveyance of said lands heretofore made by the said city to the said United States of America.

[Approved April 28, 1921. In effect July 29, 1921.]

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

Grant of land
by San Diego
to U. S. for
naval
hospital
validated.

SECTION 1. There is hereby granted to the United States of America all that certain tract of land situate in the city of San Diego, county of San Diego, State of California, and being known as that certain portion of Balboa park more particularly bounded and described as follows:

Beginning at a point which bears north one thousand five hundred feet and east eight hundred twenty-two and five-tenths feet from the corner common to pueblo lots one thousand one hundred forty-three, one thousand one hundred forty-four, one thousand one hundred forty-seven and one thousand one hundred forty-eight of the pueblo lands of San Diego; thence from the point of beginning north one thousand two hundred forty-three and fifty-six hundredths feet to a point; thence northeasterly making an angle of sixty-four degrees eighteen minutes to the right, a distance of four hundred fifty-six feet to a point; thence southeasterly making an angle of forty-five degrees fourteen minutes to the right, a distance of one hundred fifty-two and ninety-one hundredths feet to a point; thence south making an angle of seventy degrees twenty-eight minutes to the right, a distance of one thousand three hundred ninety and nineteen hundredths feet to a point; thence west five hundred fifty-five feet to the point or place of beginning, containing seventeen and four hundredths acres; to be held by said grantee for the exclusive use of the United States navy department as a site for a naval hospital; and being the same tract of land conveyed to the said United States by that certain grant and conveyance made by the city of San Diego, acting by and through its mayor and city clerk, dated September 3, 1919, to the United States of America, which said grant and conveyance was ratified, confirmed and approved by the electors of the city of San Diego voting at a special election held in said city August 3, 1920, wherein the proposition of ratifying, confirming, and approving said grant was submitted to said electorate.

Repeal.

SEC. 2. All acts and parts of acts inconsistent with or in conflict with provisions of this act, so far as they apply or refer to the said tract of land herein granted, are hereby repealed.

CHAPTER 44.

An act confirming, legalizing and validating a certain grant of land made by the city of San Diego to the United States for the use of the navy department.

[Approved April 28, 1921. In effect July 29, 1921.]

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

SECTION 1. That certain grant executed by the city of San Diego on September 3, 1919, wherein and whereby the city of San Diego conveyed to the United States of America for the exclusive use of the United States navy department as a site for a supply base and for landing purposes, all that certain real property situated in the city of San Diego, county of San Diego, State of California, bounded and described as follows:

Grant of land by San Diego to U. S. for naval supply base validated.

Block fourteen, also park lying north and west of and contiguous to said block fourteen, of the municipal tidelands subdivision, tract number one, according to the map thereof filed in the office of the city clerk of said the city of San Diego May 18, 1916, and marked document No. 100007; said property being bounded and described as follows: On the north by Broadway; on the east by Belt street; on the south by E street; and on the west by Harbor street; which said grant and conveyance was confirmed, ratified and approved by vote of a majority of the electors of said the city of San Diego, voting upon the question of ratifying, confirming and approving said grant at an election held in said city on August 3, 1920, is hereby confirmed, legalized and declared to be valid.

CHAPTER 45.

An act confirming, legalizing and validating a certain grant of land made by the city of San Diego to the United States for the use of the navy department.

[Approved April 28, 1921. In effect July 29, 1921.]

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

SECTION 1. That certain grant executed by the city of San Diego on October 9, 1919, wherein and whereby the city of San Diego conveyed to the United States of America for the exclusive use of the United States navy department as a site for a naval training station, all that certain real property situated in the city of San Diego, county of San Diego, State of California, bounded and described as follows:

Grant of land by San Diego to U. S. for naval training station validated.

All that portion of the tide lands of the bay of San Diego, county of San Diego, State of California, lying between the mean high tide line and the United States bulkhead line as established by the United States war department in February, 1912, and more particularly bounded and described as follows, to wit: Beginning at the intersection of the northeasterly line of Alcott street, in the city of San Diego, with the mean high tide line of the bay of San Diego; thence in a general southerly direction along said mean high tide line to an intersection with the northeasterly line of Lowell street in said city; thence south fifty-four degrees sixteen minutes five seconds east, along the northeasterly line of Lowell street produced southeasterly, a distance of two hundred thirty-one and thirty-nine hundredths feet to an intersection with the said United States bulkhead line; thence north thirty-seven degrees thirty minutes east, along said bulkhead line, a distance of two thousand seven hundred eighty-seven and forty-one hundredths feet to station number one hundred two on said bulkhead line; thence on a curve to the right along said bulkhead line, with a radius of one thousand nine hundred nine and eighty-six hundredths feet, a distance of one thousand three hundred ninety-eight and ninety-eight hundredths feet, to an intersection with the northeasterly line of Alcott street produced southeasterly; thence north fifty-four degrees fourteen minutes five seconds west, along the said northeasterly line of Alcott street produced, and along the southwesterly line of that certain tract of land conveyed by the city of San Diego to the United States of America by deed dated December 1, 1916, a distance of eight hundred nineteen and seventy-eight hundredths feet to the point or place of beginning; which said grant and conveyance was confirmed, ratified and approved by vote of a majority of the electors of said the city of San Diego, voting upon the question of ratifying, confirming and approving said grant at an election held in said city on August 3, 1920, is hereby confirmed, legalized and declared to be valid.

CHAPTER 46.

An act confirming, legalizing and validating a certain grant of land made by the city of San Diego to the United States for the use of the navy department.

[Approved April 28, 1921. In effect July 29, 1921.]

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

Grant of land by San Diego to U.S. for emergency fleet plant, etc., validated.

SECTION 1. That certain grant executed by the city of San Diego on September 3, 1919, wherein and whereby the city of San Diego conveyed to the United States of America for the exclusive use of the United States navy department as a site for an emergency fleet plant, repair station, ship yards, dry

dock station, or similar purposes, all that real property situated in the city of San Diego, county of San Diego, State of California, bounded and described as follows:

Beginning at the intersection of the mean high tide line of the bay of San Diego with the division line between the city of San Diego and National City; thence south seventy-one degrees forty-three minutes five seconds west, along the said division line produced, a distance of one thousand eighty-six and sixty-seven hundredths feet to an intersection with the United States bulkhead line as established in the year 1918; thence north twenty-six degrees fifty-six minutes one second west, along said bulkhead line, a distance of two hundred seventy-five and ninety-eight hundredths feet to station number three hundred one on said bulkhead line; thence north forty degrees thirty-eight minutes thirty-six seconds west, along said bulkhead line, a distance of three thousand twenty-four and two-hundredths feet to a point, said point being located eight hundred ninety-nine and thirty-eight hundredths feet southeasterly from station number three hundred on said bulkhead line; thence north sixteen degrees east, one thousand four hundred thirty-one and five-tenths feet to an intersection with the said mean high tide line; thence southeasterly along the said mean high tide line to the point or place of beginning; which said grant and conveyance was confirmed, ratified and approved by vote of a majority of the electors of said the city of San Diego, voting upon the question of ratifying, confirming and approving said grant at an election held in said city on August 3, 1920, is hereby confirmed, legalized and declared to be valid.

CHAPTER 47.

An act to amend section two hundred sixty-one of the Political Code, relating to duties of officers at the close of each session of the legislature.

[Approved May 2, 1921. In effect immediately.]

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

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

261. The secretary and assistant secretaries, and the engrossing and enrolling clerk, minute clerk of the senate, and chief clerk and assistant clerks and the engrossing and enrolling clerk, minute clerk of the assembly, at the close of each session of the legislature, must mark, label, and arrange all bills and papers belonging to the archives of their respective houses, and deliver them, together with all the books of both houses, to the secretary of state, who must certify to the reception of the same.

Duties of officers of legislature at close of session.

Urgency
measure.

SEC. 2. Inasmuch as this act provides for the payment of usual current expenses of the state and there is urgent need for adequate provision for the prompt completion of the records of this session of the legislature, this act is hereby declared to be an urgency measure within the meaning of section one of article four of the constitution and as such shall take effect immediately.

CHAPTER 48.

An act to recognize and declare valid the Crooks canyon irrigation district, and all proceedings in relation thereto and to the organization thereof.

[Approved April 28, 1921. In effect July 29, 1921.]

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

Crooks
canyon
irrigation
district
validated.

SECTION 1. Crooks canyon irrigation district, situate in the county of Modoc, as formed by the board of supervisors of said county, and as now existing or as the boundaries thereof may hereafter be modified according to law, is hereby recognized and declared a valid irrigation district with all the powers and authority vested in irrigation districts, and all proceedings on organization and formation thereof are hereby approved and declared valid.

CHAPTER 49.

An act to amend section one hundred fifty-four of the Penal Code, relating to a debtor's fraudulent removal, disposal or concealment of his property or effects.

[Approved May 9, 1921. In effect July 29, 1921.]

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

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

Penalty if
debtor
removes
property.

154. Every debtor who fraudulently removes his property or effects out of this state, or fraudulently sells, conveys, assigns or conceals his property with intent to defraud, hinder or delay his creditors of their rights, claims or demands, is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both; *provided, however,* that where the property so removed or sold or conveyed or assigned or concealed, consists of a stock in trade or a part thereof, of a value exceeding one hundred dollars, the offense shall be a felony and punishable as such.

When a
felony.

CHAPTER 50.

An act to recognize and declare valid all proceedings in Butte valley irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

SECTION 1. Butte valley irrigation district as formed by the board of supervisors of Siskiyou county, State of California, and as now existing is hereby recognized and declared valid and all proceedings on organization and formation are hereby approved, and declared valid. Butte valley irrigation district validated

CHAPTER 51.

An Act to recognize and declare valid all proceedings in Surprise valley irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

SECTION 1. Surprise valley irrigation district as formed by the board of supervisors of Modoc county, State of California, and as now existing is hereby recognized and declared valid and all proceedings on organization and formation are hereby approved, and declared valid. Surprise valley irrigation district validated.

CHAPTER 52.

An act to recognize and declare valid all proceedings in Scott valley irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

SECTION 1. Scott valley irrigation district as formed by the board of supervisors of Siskiyou county, State of California, and as now existing is hereby recognized and declared valid and all proceedings on organization and formation are hereby approved, and declared valid. Scott valley irrigation district validated.

CHAPTER 53.

An act authorizing the city of San Diego and the authorities thereof to convey certain portions of Balboa park in said city to the San Diego school district for school purposes.

[Approved May 2, 1921. In effect July 29, 1921.]

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

Grant by
San Diego to
San Diego
school
district
validated.

SECTION 1. A majority of the electors of the city of San Diego, a municipal corporation in the county of San Diego, State of California, having authorized the city of San Diego to convey certain portions of Balboa park to the San Diego school district for school purposes, at a special election held in said city on December 7, 1920, wherein said proposition of authorizing said conveyance of said portions of Balboa park was submitted to said electorate, the common council of the city of San Diego is hereby authorized and empowered to convey or cause to be conveyed by the mayor of said city and the board of park commissioners thereof, to the San Diego school district, in trust for the use of said San Diego school district, for school purposes, the following described portions and parcels of Balboa park, situated within the city of San Diego, county of San Diego, State of California, to wit:

Beginning at a point on the north line of Balboa park distant one hundred thirty feet east from the west line of Richmond street, in said city, as now established; thence south, making an angle of ninety degrees zero minutes from the north line of said Balboa park, a distance of nine hundred fifty feet to a point; thence northeasterly, making an angle of one hundred thirty-seven degrees forty minutes to the left, a distance of three hundred ninety-five feet to a point; thence northeasterly, making an angle of thirty-seven degrees thirteen minutes to the right, a distance of seventy feet to a point; thence southeasterly, making an angle of seventy-six degrees fifteen minutes thirty seconds to the right, a distance of one hundred eighty feet to a point; thence southwesterly, making an angle of sixty degrees fifty-five minutes thirty seconds to the right, a distance of three hundred five feet to a point; thence southeasterly, making an angle of fifty-one degrees forty-six minutes thirty seconds to the left, a distance of two hundred feet to a point; thence southeasterly, making an angle of sixty-five degrees fifty-three minutes to the left, a distance of three hundred thirty-nine feet to a point; thence northerly, making an angle of ninety degrees seven minutes to the left, a distance of five hundred eleven feet to a point; thence northerly, making an angle of six degrees forty-six minutes thirty seconds to the left, a distance of three hundred fifty feet to a point; thence northeasterly, making an angle of thirty-five degrees ten minutes to the right, a distance of four hundred sixty-five feet to a point; thence northerly, making an angle of thirty-six degrees three minutes thirty seconds to the left,

a distance of seventy-six twelve hundredths feet to an intersection with the north line of said Balboa park; thence west along the north line of said Balboa park, a distance of eight hundred eighty-nine fifty-two hundredths feet to the point or place of beginning, containing seventeen forty-two hundredths acres, more or less.

Boundaries
of tract
conveyed to
San Diego
school
district.

Also, beginning at the intersection of the south line of Balboa park with the center line of Twelfth street; thence northwesterly, making an angle of eighty-three degrees one minute fifty seconds to the right, from the south line of Balboa park, a distance of three hundred twenty-five feet to a point; thence northeasterly, making an angle of twenty-nine degrees four minutes to the right, a distance of three hundred seventy-five feet to a point; thence northeasterly, making an angle of twenty-one degrees thirty-seven minutes to the right, a distance of three hundred feet to a point; thence northeasterly, making an angle of thirteen degrees two minutes thirty seconds to the right, a distance of two hundred sixty-eight feet to a point; thence northwesterly, making an angle of one hundred thirty-eight degrees fifty-two minutes to the left, a distance of seven hundred eighty-two feet to a point; thence southerly, making an angle of ninety-three degrees fifteen minutes thirty seconds to the left, a distance of six hundred feet to a point; thence southerly, making an angle of five degrees forty-one minutes to the left, a distance of five hundred forty-three eighteen hundredths feet to an intersection with the center line of Eleventh street and the south line of Balboa park; thence cast along the south line of Balboa park a distance of two hundred eighty eighteen hundredths feet to the point or place of beginning; excepting therefrom all that portion of the above described tract of land included within the exterior boundaries of the boulevards as now laid out and existing as a portion of the improvement of said Balboa park, containing in all nine ninety-nine hundredths acres, more or less; *provided*, that the premises to be conveyed shall be used only for school purposes, and at any time they shall no longer be actually used for the purposes last aforesaid, they shall at once revert to the city of San Diego as a public park, and all right of the said San Diego school district by virtue of any such conveyance shall thereupon at once cease; *and provided, further*, that the public shall, notwithstanding any such conveyance, still be entitled to the use of said premises as a public park, except so far as said last mentioned use is inconsistent with their use for school purposes; that no building or buildings other than those necessarily used for school purposes shall be placed on said premises.

CHAPTER 54.

An act to add four new sections to the Penal Code, to be numbered three hundred thirty-seven b, three hundred thirty-seven c, three hundred thirty-seven d, and three hundred thirty-seven e, relating to the bribery of participants in baseball games.

[Approved May 9, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered three hundred thirty-seven *b*, and to read as follows:

Penalty
for offering
bribe to
baseball
player

337*b*. Any person who gives, or offers or promises to give, or attempts to give or offer, any money, bribe or thing of value, to any participant or player in any baseball game, with the intention or understanding or agreement that such participant or player shall not use his best efforts to win such baseball game, or so conduct himself in such baseball game that the opposing team shall thereby be assisted or enabled to win such game, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SEC. 2. A new section is hereby added to the Penal Code, to be numbered three hundred thirty-seven *c*, and to read as follows:

Penalty
for accepting
baseball
bribe

337*c*. Any person who accepts, or attempts to accept, or offers to accept, or agrees to accept, any money, bribe or thing of value, with the intention or understanding or agreement that he will not use his best efforts to win any baseball game in which he is participating or is about to participate in, or to so conduct himself in such baseball game that the opposing team shall thereby be assisted or enabled to win such game, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SEC. 3. A new section is hereby added to the Penal Code, to be numbered three hundred thirty-seven *d*, and to read as follows:

Penalty
for bribing
umpire.

337*d*. Any person who gives, or offers to give, or promises to give, or attempts to give, any money, bribe or thing of value to any person who is umpiring, managing or directing, or who is about to umpire, or manage or direct any baseball game, with the intention or agreement or understanding that such person or persons shall corruptly or dishonestly umpire, manage or direct said baseball game, or the players thereof, with the intention or purpose that the result of said baseball game will be affected or influenced thereby, is guilty of a felony and

shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 4. A new section is hereby added to the Penal Code, to be numbered three hundred thirty-seven e, and to read as follows:

337e. Any person who as umpire, manager or director receives or agrees to receive, or attempts to receive any money, bribe or thing of value, with the understanding or agreement that such umpire, manager or director shall corruptly conduct himself or shall corruptly umpire, manage or direct said baseball game, or any player or the players thereof, with the intention or purpose that the result of said baseball game will be affected or influenced thereby, is guilty of a felony and shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Penalty for
umpire
accepting
bribe.

CHAPTER 55.

An act to amend section four hundred two c of the Penal Code, relating to protection of labor engaged in the construction, alteration, repairing, painting or cleaning of houses, buildings or structures, by including provision for the enforcement thereof by the industrial accident commission.

[Approved May 10, 1921. In effect July 29, 1921.]

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

SECTION 1. Section four hundred two c of the Penal Code is amended to read as follows:

402c. Any person or corporation employing or directing another to do or perform any labor in the construction, alteration, repairing, painting or cleaning of any house, building or structure within this state, who knowingly or negligently furnishes or erects, or causes to be furnished or erected for the performance of such labor, unsafe or improper scaffolding, slings, hammers, blocks, pulleys, stays, braces, ladders, irons, ropes or other mechanical contrivances, or who hinders or obstructs any officer or inspector, of the industrial accident commission attempting to inspect the same under the provisions of any statute of the State of California or safety order of the industrial accident commission, or who destroys or defaces, or removes any notice posted thereon by any such officer or inspector, or permits the use thereof, after the same has been declared unsafe by such officer or inspector, contrary to the provisions of said acts or orders, shall be guilty of a misdemeanor.

Unsafe
scaffolding.

CHAPTER 56.

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

[Approved May 4, 1921. In effect July 29, 1921.]

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

Glenn-
Colusa
irrigation
district
validated.

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

CHAPTER 57.

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

[Approved May 6, 1921. In effect July 29, 1921.]

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

Williams
irrigation
district
validated.

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

CHAPTER 58.

An act to amend section five hundred eighty-eight of the Penal Code, relating to negligent, wilful and malicious injuries to, or negligently, wilfully and maliciously draining, diverting or permitting waters to flow or seep into or upon, any state or other public highway or bridge or any public way laid out by authority of law, or bridge upon any such highway or private way.

[Approved May 10, 1921. In effect July 29, 1921.]

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

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

588. Every person who negligently, wilfully or maliciously digs up, removes, displaces, breaks down or otherwise injures or destroys any state or other public highway or bridge, or any private way, laid out by authority of law, or bridge upon any such highway or private way, or who negligently, wilfully or maliciously drains, diverts, or in any manner permits by seepage, overflow or otherwise, any waters thereinto or thereon from lands lying adjacent to or in the vicinity of any such state or other public highway or bridge or private way, shall be guilty of a misdemeanor.

Digging up
or flooding
highway.

CHAPTER 59.

An act to add a new section to the Code of Civil Procedure, to be numbered section one thousand five hundred twenty-eight, for the purpose of authorizing executors and administrators and guardians to borrow money and to give as security therefor mortgages or other liens on personal property of decedents, minors and incompetent persons.

[Approved May 6, 1921. In effect July 29, 1921.]

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

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

1528. Whenever in any estate now being administered or that may hereafter be administered or in any guardianship proceeding now pending or that may hereafter be pending it shall appear to the superior court, or to a judge thereof, to be for the advantage of the estate to borrow and raise money upon a note or notes, to be secured by chattel mortgage or other lien upon the personal property of any decedent or of a minor or an incompetent person, or any part thereof, for the purpose

Executor
and
guardian
may borrow
on chattel
mortgage.

of paying the debts of such decedent or such minor or incompetent person, the court or judge as often as occasion therefor shall arise in the administration of any estate or in the course of any guardianship may authorize, empower and direct the executors or administrators or guardian of such minor or incompetent person to mortgage such personal property, or any part thereof, or to give other security by way of pledge or other lien upon such personal property, or any part thereof, and to execute a note or notes, to be secured by such mortgage, pledge or lien; *provided*, that in order to obtain such authorization the same proceedings shall be had and taken as are set forth in section one thousand five hundred seventy-eight of the Code of Civil Procedure and which are required thereby to obtain an order to mortgage real property of the estate, and upon such proceedings being had the court shall have power to authorize the executor or administrator or guardian of such minor or incompetent person to borrow and raise money and to execute a note or notes and mortgage or pledge or other lien upon the personal property of the estate of such decedent or minor or incompetent person in the same manner and to the same extent and with the same effect as is provided in section one thousand five hundred seventy-eight of the Code of Civil Procedure with reference to mortgages of real property.

Proceedings.

CHAPTER 60.

An act to amend section one of an act entitled "An act to create a reclamation district to be called 'Reclamation District No. 833,' and providing for the control and management thereof," approved April 8, 1911.

[Approved May 2, 1921. In effect July 29, 1921.]

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

Stats. 1911,
p. 809,
amended.

SECTION 1. Section one of the act entitled "An act to create a reclamation district to be called 'Reclamation District No. 833,' and providing for the control and management thereof," approved April 8, 1911, is hereby amended to read as follows:

Reclamation
district
no. 833
created.

Section 1. A reclamation district is hereby created, to be called "Reclamation District No. 833," and the boundaries of such reclamation district shall be as follows:

Commencing at a point where the north boundary line of township seventeen (17) north, range three (3) east crosses the west line of drainage district number one (1) of Butte county; thence northerly along said west line of said drainage district to the Butte county canal; thence northerly along said Butte county canal to a point where said canal crosses the north boundary line of township eighteen (18) north, range

Boundaries

three (3) east; thence west on township line to the Spring valley canal; thence southwesterly along said Spring valley canal to the north boundary line of township seventeen (17) north, range one (1) east; thence west on said township line to Butte creek; thence southerly along Butte creek to the north line of section eighteen (18), township seventeen (17) north, range one (1) east; thence east along section line to the southwest corner of section eight (8), township seventeen (17) north, range two (2) east; thence north one (1) mile to the northwest corner of said section eight (8); thence east along section lines to a point on the north line of section eleven (11) township seventeen (17) north, range two east, Mount Diablo base and meridian where the said line intersects the easterly line of the right of way of lateral number four of the Sutter Butte canal company's irrigation system; thence northerly and easterly along the said right of way line of the said irrigation canal to its intersection with the west line of drainage district number one (1) of Butte county; thence northerly along the said east line of said drainage district to the point of beginning in the county of Butte, State of California.

CHAPTER 61.

An act to amend section fifteen of an act entitled, "An act to regulate the use and operation of vehicles upon the public highways and elsewhere; to provide for the registration and identification of motor vehicles and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles; to prohibit certain persons from operating vehicles upon the public highways; to prohibit the possession or use of a motor vehicle without the consent of the owner thereof, and to prohibit the offer to or acceptance by certain persons of any bonus or discount or other consideration for the purchase of supplies or parts for motor vehicles, or for work or repair done thereon; to provide penalties for violations of provisions of this act, and to provide for the disposition of fines and forfeitures imposed thereon; to limit the power of local authorities to enact or enforce ordinances, rules or regulations in regard to matters embraced within the provisions of this act; to provide for the disposition of registration and license fees, fines and forfeitures collected hereunder; to create a motor vehicle department and to provide for the organization and conduct thereof; to provide for carrying out the objects of this act, and

to make appropriation therefor; and to repeal all acts or parts of acts in conflict with this act," approved May 11, 1915, as amended.

[Approved May 3, 1921. In effect July 29, 1921.]

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

Stats. 1919,
p. 212.

SECTION 1. Section fifteen of an act entitled "An act to regulate the use and operation of vehicles upon the public highways and elsewhere; to provide for the registration and identification of motor vehicles and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles; to prohibit certain persons from operating vehicles upon the public highways; to prohibit the possession or use of a motor vehicle without the consent of the owner thereof, and to prohibit the offer to or acceptance by certain persons of any bonus or discount or other consideration for the purchase of supplies or parts for motor vehicles, or for work or repair done thereon; to provide penalties for violations of provisions of this act, and to provide for the disposition of fines and forfeitures imposed thereon; to limit the power of local authorities to enact or enforce ordinances, rules or regulations in regard to matters embraced within the provisions of this act; to provide for the disposition of registration and license fees, fines and forfeitures collected hereunder; to create a motor vehicle department and to provide for the organization and conduct thereof; to provide for carrying out the objects of this act, and to make appropriation therefor; and to repeal all acts or parts of acts in conflict with this act," approved May 11, 1915, as amended, is hereby amended to read as follows:

Cleats, etc.,
on tires.

Sec. 15. (a) Other than on vehicles actually engaged at the time in construction or repair work on public highways, no tire on any motor or other vehicle operated on or over any public highway or bridge shall have on its periphery any block, stud, flange, cleat, ridge, bead or any other protuberance of metal or wood which projects beyond the tread or traction surface of the tire; but this section shall not be so construed as to prohibit the use of tire chains of reasonable proportions on motor vehicles when required for safety because of snow, ice or other conditions tending to cause such motor vehicle to slide or skid; *provided, however*, that traction engines or tractors the propulsive power of which is exerted not through wheels resting upon the ground but by means of a flexible band or chain, known as a movable track, may be operated upon the public highways with transverse corrugations upon the periphery of said movable tracks, on condition that a permit shall first have been obtained as hereinafter in this section provided.

(b) No motor or other vehicle shall be operated on or over any public highway or bridge, nor shall any object be moved over or upon any public highway or bridge on wheels, rollers, or otherwise, except when transported in or upon vehicles running exclusively on stationary rails or tracks, in excess of a total weight, including load, of thirty thousand pounds, when said motor or other vehicle or contrivance is equipped with four wheels running on the highway, or in excess of a total weight, including load, of forty thousand pounds when said motor or other vehicle or contrivance shall be equipped with six wheels running on the highway and with three axles not less than ninety-six inches apart, without first obtaining a permit as hereinafter in this section provided.

Total
weight
limit.

(c) No motor or other vehicle or other object, or contrivance for moving loads, except as hereinafter otherwise provided, shall be operated or moved upon or over any public highway or bridge, the weight including the load of which resting upon the surface of said highway or bridge exceeds seven hundred pounds upon any inch of the channel base width of tire, when said vehicle is equipped with tires made of other material than metal; and no motor or other vehicle, object, or contrivance for moving loads shall be operated or moved upon or over any public highway or bridge the weight including the load of which resting upon the surface of said highway or bridge exceeds five hundred pounds upon any inch of width of tire, roller, wheel, or other object supported on the surface thereof when such tires or the rolling surface of such rollers, wheels, or other objects are made in whole or in part of metal, without first obtaining a permit as hereinafter in this section provided; *provided, however*, that traction engines or tractors the propulsive power of which is exerted not through wheels resting upon the ground but by means of a flexible band or chain, known as a movable track, shall not be subject to the foregoing limitations upon permissible weights per inch of width of tire if the portions of the movable tracks in contact with the surface of the highway present plane surfaces: *and provided, further*, that cities heretofore or hereafter organized under freeholders' charters may permit or prohibit the increase, beyond the maximum weight per inch of width of tire hereinabove prescribed, of the weight of loads carried within the limits of such cities in or upon metal-tired vehicles drawn by muscular power, but where any such city has not by proper and suitable ordinance or other regulation permitted or prohibited such increase of maximum weight of loads, the regulations and limitations prescribed by this act shall not apply.

Weight
limit per
inch of
tire width.

In
freeholders'
charters
cities.

No solid rubber tire shall be used on any motor or other vehicle or contrivance for moving loads over any public highway or bridge unless such tire has rubber on its entire traction surface at least one inch thick above the edge of the flange.

Solid
rubber
tires.

Regulation
by county.

The supervisors of any county shall have power to require a lighter load on county roads in their respective counties.

Penalty.

Any person violating the provisions of this subsection shall be guilty of a misdemeanor and is liable to a penalty of twenty dollars for each full ton in excess of the limitation herein imposed, and any peace officer making the arrest of the owner or driver of any vehicle violating the provisions of this subsection shall keep said vehicle with its load in his custody until such time as said penalty shall have been paid; *provided*, that the owner or driver of any such vehicle may give to said peace officer a bond in favor of the State of California in case of state highways, and in the name of the county in which the offense has occurred in the case of county roads, conditioned to secure the payment of said penalty within the time prescribed in said bond. Furthermore, any peace officer may require the owner or the driver to drive any such vehicle to the nearest public scales to be designated by such peace officer for the purpose of establishing the weight and the load of any such vehicle.

Trailer
limitation.

(d) No motor vehicle shall be operated or driven over any public highway or bridge drawing or having attached thereto more than two trailers; *provided*, that all four-wheeled trailers excepting light camping trailers shall be equipped with suitable brakes.

Permits
by
department
of
engineering.

(e) Anything to the contrary herein notwithstanding, upon application in writing to the state department of engineering, said department of engineering in its discretion may issue a special permit to the owner or operator of any vehicle allowing heavier or wider loads than hereinabove in this section or elsewhere in this act permitted to be moved or carried over and on the public highways and bridges, or allowing more than two trailers to be drawn by a motor vehicle; and may also issue such special permit to increase the permissible weights per inch of width of tire and may also permit the use of corrugations on the periphery of the movable tracks of traction engines or tractors propelled not by wheels resting upon the ground but by flexible bands or chains. Such permits shall be in writing and they may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain such special conditions and provisions and require such undertaking or other security as the said department of engineering shall deem to be necessary to protect the public highways and bridges from injury, or provide indemnity for any injury resulting from such operation. All such special permits shall be carried in the vehicles to which they refer and shall upon demand be open to the inspection of any peace officer, any authorized agent of the department of engineering or of the motor vehicle department, or any officer or employee charged with the care or protection of the public highways. It shall be unlawful for any person to

violate, or cause or permit to be violated, the limitations or conditions of such special permits and any such violation shall be deemed for all purposes to be a violation of the provisions of this act.

(f) Anything to the contrary herein notwithstanding, the state department of engineering may in its discretion limit the maximum load to be carried over or on any public bridge, causeway, viaduct, trestle or dam, below the maximum established by law: *provided, however*, that in such event said department of engineering shall cause suitable signs to be erected and maintained, specifying such limitation of load, such signs to be placed at a distance of not less than one hundred feet nor more than one hundred fifty feet from the approaches to such bridge, causeway, viaduct, trestle or dam. Weight on bridges, etc.

(g) Anything to the contrary in this act notwithstanding, the owner and the operator, driver or mover of any vehicle, object or contrivance over a public highway or bridge, shall be jointly and severally responsible for all damages which said highway or bridge may sustain as the result of so operating or driving or moving such vehicle and the amount of such damages may be recovered in an action at law by the authorities in control of such highway or bridge. Liability for damages.

CHAPTER 62.

An act to recognize and declare valid the Knightsen irrigation district, and all proceedings in relation thereto and to the organization thereof.

[Approved May 4, 1921. In effect July 29, 1921.]

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

SECTION 1. Knightsen irrigation district, situate in the county of Contra Costa, as formed by the board of supervisors of said county, and as now existing or as the boundaries thereof may hereafter be modified according to law, is hereby recognized and declared a valid irrigation district with all the powers and authority vested in irrigation districts, and all proceedings on organization and formation thereof are hereby approved and declared valid. Knightsen irrigation district validated.

CHAPTER 63.

An act to recognize and declare valid all proceedings in Grenada irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

Grenada
irrigation
district
validated

SECTION 1. Grenada irrigation district as formed by the board of supervisors of the county of Siskiyou, State of California, and as now existing, is hereby recognized and declared valid, and all the proceedings on organization and formation are hereby approved and in all respects declared valid.

CHAPTER 64.

An act to declare valid the formation, organization and existence of Fresno irrigation district, and to ratify and confirm all proceedings on organization thereof.

[Approved May 4, 1921. In effect July 29, 1921.]

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

Fresno
irrigation
district
validated.

SECTION 1. The formation, organization and existence of Fresno irrigation district is hereby legalized, ratified, confirmed and declared valid, and all proceedings on organization and formation thereof are hereby ratified and approved.

CHAPTER 65.

An act to amend section one thousand three hundred thirty-three of the Political Code, relating to filling vacancies in the office of United States senator.

[Approved May 7, 1921. In effect July 29, 1921.]

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

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

Appointment
of U. S.
Senator
to fill
vacancy.

1333. In the event of the happening of any vacancy in the representation of this state in the senate of the United States, the governor is hereby empowered to appoint and commission an elector of this state, who possesses the prescribed qualifications, to fill such vacancy until the election and qualification of a United States senator in the manner provided by law.

Elections to fill a vacancy in the term of a United States senator must be held at the general election or any special election held throughout the state next succeeding the occurrence of such vacancy.

CHAPTER 66.

An act to recognize and declare valid all proceedings in and relative to the organization of Lemoore irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

SECTION 1. Lemoore irrigation district in the county of Kings as formed by the board of supervisors of Kings county and as now existing is hereby recognized and declared valid and all proceedings on the formation and organization thereof are hereby approved and declared valid. Lemoore irrigation district validated.

CHAPTER 67.

An act to recognize and declare valid all proceedings in Foothill irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

SECTION 1. Foothill irrigation district as formed by the board of supervisors of the county of Fresno, State of California, and as now existing, is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved and declared valid. Foothill irrigation district validated.

CHAPTER 68.

An act recognizing and declaring valid the Naglee Burk irrigation district and approving and declaring valid all proceedings on formation and organization of said district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

SECTION 1. The Naglee Burk irrigation district, in the county of San Joaquin, State of California, as formed and organized by the board of supervisors of said county, and as now existing is hereby recognized and declared valid and all proceedings on formation and organization of said district are hereby approved and declared valid. Naglee Burk irrigation district validated.

CHAPTER 69.

An act to repeal section six hundred fifty and one-half of the Penal Code, and to add thereto a new section, to be numbered six hundred fifty and one-half, relating to wilful and wrongful acts seriously injuring the person or property of another; seriously disturbing or endangering the public peace; outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not; affecting, or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else for the accomplishment of lewd or licentious purposes, whether accomplished or not, and providing a penalty for the violations hereof.

[Approved May 9, 1921. In effect July 29, 1921.]

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

Repealed.

SECTION 1. Section six hundred fifty and one-half of the Penal Code is hereby repealed.

SEC. 2. A new section is hereby added to the Penal Code to be numbered six hundred fifty and one-half, and to read as follows:

Penalty for
injuring
person or
property of
another.

650½. A person who wilfully and wrongfully commits any act which seriously injures the person or property of another, or which seriously disturbs or endangers the public peace or health, or which openly outrages public decency, or who wilfully and wrongfully in any manner, verbal or written, uses another's name for accomplishing lewd or licentious purposes, whether such purposes are accomplished or not, or who wilfully and wrongfully uses another's name in any manner that will affect, or have a tendency to affect the moral reputation of the person whose name is used, generally, or in the estimation of the person or persons to whom it is so used, or who with intent of accomplishing any lewd or licentious purpose, whether such purpose is accomplished or not, personifies any person other than himself, or who causes or procures any other person or persons to identify him, or to give assurance that he is any other person than himself to aid or assist him to accomplish any lewd or licentious purpose, for which no other punishment is expressly prescribed by this code, is guilty of a misdemeanor.

CHAPTER 70.

An act to recognize and declare valid all proceedings in Hot Spring valley irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

SECTION 1. The Hot Spring valley irrigation district as formed by the board of supervisors of the county of Modoc, State of California, and as now existing, is hereby recognized and declared valid, and all proceedings on organization and formation thereof are hereby approved and declared valid.

Hot Spring
valley
irrigation
district
validated.

CHAPTER 71.

An act to recognize and declare valid all proceedings in and relative to the organization of Riverdale irrigation district.

[Approved May 6, 1921. In effect July 29, 1921.]

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

SECTION 1. Riverdale irrigation district in the counties of Fresno and Kings as formed by the board of supervisors of Fresno county and as now existing is hereby recognized and declared valid and all proceedings on the formation and organization thereof are hereby approved and declared valid.

Riverdale
irrigation
district
validated.

CHAPTER 72.

An act to recognize and declare valid all proceedings in and relative to the organization of Laguna irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

SECTION 1. Laguna irrigation district in the counties of Fresno and Kings as formed by the board of supervisors of Fresno county and as now existing is hereby recognized and declared valid and all proceedings on the formation and organization thereof are hereby approved and declared valid.

Laguna
irrigation
district
validated.

CHAPTER 73.

An act to add a new section to the Penal Code, to be numbered nine hundred thirty-one, relating to the duties of grand jurors.

[Approved May 9, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Penal Code to read as follows:

Duty of grand jury to investigate land transfers.

931. It shall be the duty of the grand jury to investigate and inquire into all sales and transfers of land, and into the ownership of land, which under the laws of the State of California, might or should escheat to the State of California, and to this end to summon witnesses before it, and examine the same and the records, and when in their opinion the evidence justifies it to direct that proper escheat proceedings be commenced.

CHAPTER 74.

An act to recognize and declare valid all proceedings in James irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

James irrigation district validated.

SECTION 1. James irrigation district, as formed by the board of supervisors of the county of Fresno, State of California, and as now existing, is hereby recognized and declared valid and all proceedings on organization and formation are hereby approved and declared valid.

CHAPTER 75.

An act to recognize and declare valid the Madera irrigation district and to approve and declare valid all proceedings on formation and organization of said district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

Madera irrigation district validated.

SECTION 1. Madera irrigation district, in the county of Madera, State of California, as formed and organized by the board of supervisors of said county, and as now existing, or as the boundaries thereof may hereafter be modified according to law, is hereby recognized and declared a valid irrigation district with all the powers and authority vested in irrigation districts, and all proceedings on formation and organization of said district are hereby approved and in all respects declared valid.

CHAPTER 76.

An act to amend section one hundred six of the Penal Code, relating to attempt of prisoners to escape.

[Approved May 9, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one hundred six of the Penal Code is hereby amended.

106. Every prisoner committed to a state prison for a term less than for life, who escapes or attempts to escape while being conveyed to or from or while confined within such prison or while at work outside such prison under the surveillance of prison guards is guilty of a felony and on conviction thereof the term of imprisonment therefor shall commence from the time such convict would otherwise have been discharged from said prison.

Penalty for attempting to escape from prison.

CHAPTER 77.

An act to recognize and declare valid the Medano irrigation district and to approve and declare valid all proceedings on formation and organization of said district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

SECTION 1. Medano irrigation district, in the counties of Madera and Merced, State of California, as formed and organized by the board of supervisors of the county of Madera, and as now existing, or as the boundaries thereof may hereafter be modified according to law, is hereby recognized and declared a valid irrigation district with all the powers and authority vested in irrigation districts, and all proceedings on formation and organization of said district are hereby approved and in all respects declared valid.

Medano irrigation district validated.

CHAPTER 78.

An act to recognize and declare valid all proceedings in Honcut-Yuba irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

Honcut-Yuba
irrigation
district
validated.

SECTION 1. Honcut-Yuba irrigation district, situated in the counties of Butte and Yuba, State of California, as formed by the board of supervisors of the said county of Butte, and as now existing or as the boundaries thereof may hereafter be modified according to law, is hereby recognized and declared to be a valid irrigation district with all of the powers and authority vested in irrigation districts, and all proceedings on organization and formation thereof are hereby approved and declared to be valid.

CHAPTER 79.

An act to recognize and declare valid all proceedings in Oroville-Wyandotte irrigation district.

[Approved May 4, 1921. In effect July 29, 1921.]

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

Oroville-
Wyandotte
irrigation
district
validated.

SECTION 1. Oroville-Wyandotte irrigation district, situated in the county of Butte, State of California, as formed by the board of supervisors of the said county of Butte, and as now existing or as the boundaries thereof may hereafter be modified according to law, is hereby recognized and declared to be a valid irrigation district with all of the powers and authority vested in irrigation districts, and all proceedings on organization and formation thereof are hereby approved and declared to be valid.

CHAPTER 80.

An act to enforce the provisions of article eighteen of the amendments to the constitution of the United States; prohibiting all acts or omissions prohibited by the Volstead act; imposing duties on courts, prosecuting attorneys, sheriffs and other officers, and extending their jurisdiction; and providing for the disposition of fines and forfeitures.

[Approved May 7, 1921. In effect July 20, 1921.]

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

SECTION 1. California hereby recognizes the requirements of the eighteenth amendment to the constitution of the United States for its concurrent enforcement by the congress and the several states. To that end, the penal provisions of the Volstead act are hereby adopted as the law of this state; and the courts of this state are hereby vested with the jurisdiction, and the duty is hereby imposed upon all prosecuting attorneys, sheriffs, grand juries, magistrates and peace officers in the state, to enforce the same.

Duty of state officers to enforce Volstead act.

SEC. 2. All acts or omissions prohibited or declared unlawful by the eighteenth amendment to the constitution of the United States or by the Volstead act are hereby prohibited and declared unlawful; and violations thereof are subject to the penalties provided in the Volstead act.

Penalties in Volstead act adopted.

SEC. 3. California hereby recognizes that its power to enforce the eighteenth amendment to the constitution of the United States should at all times be exercised in full concurrence with the exercise of the like power of congress; and to that end, whenever congress shall amend or repeal the Volstead act, or enact any other law to enforce the eighteenth amendment to the constitution of the United States, then the provisions of sections one and two of this act shall apply thereto.

Concurrence with federal laws.

SEC. 4. Nothing in this act shall be construed as limiting the power of any city or county, or city and county, to prohibit the manufacture, sale, transportation or possession of intoxicating liquors for beverage purposes; and all fines and forfeitures collected under any ordinance now or hereafter enacted in the exercise of such power shall be paid into the treasury of the city or county, or city and county, whose ordinance is violated.

Powers of local authorities.

SEC. 5. The phrase "Volstead act" as used herein is defined as title two of the act of congress enacted October 28, 1919; such title two being enacted under the authority of the eighteenth amendment to the constitution of the United States and providing for the enforcement thereof.

"Volstead act" defined.

SEC. 6. Should any section or any portion of any section of this act be found unconstitutional, the remainder shall continue in full force and effect, it being expressly declared that such is the intention.

Constitutionality.

CHAPTER 81.

An act to confirm and declare valid all proceedings on the organization of Merced irrigation district and to recognize and declare valid said district.

[Approved May 4, 1921. In effect July 20, 1921.]

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

Merced
irrigation
district
validated.

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

CHAPTER 82.

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

[Approved May 7, 1921. In effect July 20, 1921.]

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

Protection
of game.

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

Ducks, etc.

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

Desert or
valley quail.

Rabbits.

Grouse.

Doves.

pursues, takes, kills or destroys or has in his possession, any sage hen, is guilty of a misdemeanor; *provided*, that in fish and game district four and one-half every person who at any time hunts, pursues, takes, kills or destroys or has in his possession, any sage hen is guilty of a misdemeanor; *provided, further*, that in fish and game district one and one-half every person who, between the sixteenth day of December and the fourteenth day of October, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession any valley or mountain quail is guilty of a misdemeanor; *provided, further*, that nothing in this section shall prohibit the hunting, pursuing, taking, killing or destroying of any cottontail or brush rabbit by the owner or tenant of any premises, or by any person authorized in writing by such owner or tenant, but the rabbits so hunted, pursued, taken, killed or destroyed shall not be shipped or sold during the closed season.

Sage hens.

Rabbits on owner's premises.

CHAPTER 83.

An act to confirm and declare valid all proceedings on the organization of the Kasson irrigation district and recognizing and validating said district.

[Approved May 4, 1921. In effect July 20, 1921.]

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

SECTION 1. All proceedings of the board of supervisors of the county of San Joaquin, State of California, in the organization of the Kasson irrigation district are hereby confirmed, approved, ratified and declared valid, and said district as now existing is hereby recognized and declared to be valid.

Kasson irrigation district validated.

CHAPTER 84.

An act to confirm and declare valid all proceedings on the organization of Banta-Carbona irrigation district and recognizing and validating said district.

[Approved May 4, 1921. In effect July 20, 1921.]

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

SECTION 1. All proceedings of the board of supervisors of the county of San Joaquin, State of California, in the organization of Banta-Carbona irrigation district are hereby confirmed, ratified and declared valid, and said district is hereby recognized and declared to be a valid, subsisting irrigation district under the provisions of the California irrigation district act as of and from the date of the adoption by said board of supervisors of the resolution declaring said district duly organized.

Banta-Carbona irrigation district validated.

CHAPTER 85.

An act to amend section two of an act entitled "An act providing for the publication of an index of the laws of California and making an appropriation therefor," approved May 24, 1919.

[Approved May 9, 1921. In effect July 29, 1921.]

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

Stats. 1919,
p. 926.

Distribution
of index
to laws.

SECTION 1. Section two of an act entitled "An act providing for the publication of an index of the laws of California and making an appropriation therefor," approved May 24, 1919, is hereby amended to read as follows:

Sec. 2. One copy of said index shall be distributed to each member of the legislature and the balance of the copies printed shall be offered for sale to the public at the price of seven dollars and fifty cents per volume to cover the cost of publication and distribution. Such portion of the receipts as may be required to complete the cost of printing, publication and distribution shall be paid into the state printing fund, and the balance of such receipts shall be paid into the general fund in the state treasury.

CHAPTER 86.

An act to amend section one thousand fifty-seven a of the Code of Civil Procedure, relating to justification by corporate surety on bonds or undertakings.

[Approved May 12, 1921. In effect July 29, 1921.]

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

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

Justification
by corporate
surety on
bonds.

1057a. Whenever the surety on a bond or undertaking authorized or required by any law of this state is a corporation of the state or a foreign corporation, authorized to become surety on bonds or undertakings in the state, and exception is taken to the sufficiency of such surety as required by law, such corporate surety may justify on such bond or undertaking as follows:

Procedure.

Any agent, attorney in fact, or officer of such corporation shall submit to the court, judge, officer, board or other person before whom the justification is to be made:

First—The original, or a certified copy of, the power of attorney, by-laws or other instrument showing the authority of the person or persons who executed the bond or undertaking to execute the same;

Second—A certified copy of the certificate of authority issued by the insurance commissioner as required by section 596 of the Political Code, showing that the corporation is authorized to transact business;

Third—A certificate from the county clerk of the county or city and county in which the bond or undertaking is filed, showing that the said certificate of authority has not been surrendered, revoked, canceled, annulled or suspended, or in the event that it has been, that renewed authority to act under such certificate has been granted, as provided for in section 625a of the Political Code;

Fourth—A financial statement showing the assets and liabilities of such corporation at the end of the quarter calendar year prior to thirty days next preceding the date of the execution of the bond or undertaking; such financial statement must be verified under oath by the president, or a vice-president and attested by the secretary or an assistant secretary of such corporation.

Upon complying with the foregoing provisions and it appearing that the bond or undertaking was duly executed, that the corporation is authorized to transact business in the state, and that its assets exceed its liabilities in an amount equal to or in excess of the amount of the bond or undertaking, the justification of the surety shall be complete and it shall be accepted as the sole and sufficient surety on the bond or undertaking.

The county clerk of any county or city and county shall, upon request, issue the certificate hereinbefore provided for, which certificate shall state whether or not the certificate of authority of such corporation has been surrendered, revoked, canceled, annulled or suspended, and in the event that it has, whether or not renewed authority to act under such certificate of authority has been granted as provided in section 625a of the Political Code. For each certificate issued the county clerk shall receive a fee of fifty cents to be paid by the person obtaining the certificate. County clerk to issue certificate.

SEC. 2. All laws and parts of laws in conflict herewith are hereby expressly repealed. Repealed.

CHAPTER 87.

An act to amend sections two thousand nine hundred sixty-nine and two thousand nine hundred seventy of the Civil Code, relating to attachments and executions upon mortgaged personal property.

[Approved May 12, 1921. In effect July 29, 1921.]

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

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

Attachment
and
executions
on
mortgaged
personal
property.

2969. Before the property is so taken, the officer must pay or tender to the mortgagee the amount of the mortgage debt and interest, or must deposit the amount thereof with the county clerk or treasurer, payable to the order of the mortgagee: *provided, however*, that when an attachment or execution creditor presents to the officer a verified statement that the mortgage is void or invalid for reasons therein specified and delivers to the officer a good and sufficient indemnity bond in double the amount of the mortgage debt or double the value of the mortgaged property, as the officer may determine and require, the officer shall take the property, and, in the case of an execution, sell it in the manner provided by law. The bond shall be made to both the officer and the mortgagee and shall indemnify them and each of them for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

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

Application
of proceeds
of sale.

2970. When the property is taken after payment or tender of deposit as provided for in section two thousand nine hundred sixty-nine, and is sold under process the officer must apply the proceeds of the sale as follows:

1. To the repayment of the sum paid to the mortgagee, with interest from the date of such payment; and
2. The balance, if any, in like manner as the process of sales under execution are applied in other cases.

When the property is taken after presentation to the officer of the verified statement and bond mentioned in the proviso in section two thousand nine hundred sixty-nine and is sold under process the officer must apply the proceeds of the sale as follows:

1. To the satisfaction of the amount specified in the process including interest and costs; and
2. The balance, if any, in like manner as the proceeds of sales under execution are applied in other cases.

CHAPTER 88.

An act authorizing the governor of California to appoint a representative of the State of California to serve upon a joint commission composed of representatives of the states of Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming and the United States of America, and constituted for the purpose of negotiating and entering into an agreement between the several states hereinabove mentioned and between said states and the United States of America, subject to the consent of congress, respecting further use and disposition of the waters of the Colorado river and streams tributary thereto, and fixing and determining the rights of each of said states and rights of the United States in and to the use, benefit and disposition of the waters of said stream and its tributaries.

[Approved May 12, 1921. In effect immediately.]

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

SECTION 1. The governor of California shall appoint the state engineer who shall serve without additional compensation as the representative of the State of California on a joint commission composed of one representative from each of the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and two duly authorized representatives of the United States of America, the principal duty of which commission shall be to negotiate and enter into an agreement between the several states hereinabove mentioned and between the said states and the United States of America, subject to the consent of congress, respecting the further use and disposition of the waters of the Colorado river and streams tributary thereto, and fixing and determining the rights of each of said states and the rights of the United States in and to the use, benefit, and disposition of the waters of the Colorado river and its tributaries: *provided, however,* that any agreement so entered into by said states and the United States of America shall not be binding or obligatory upon any of the high contracting parties thereto unless and until such agreement shall have been ratified and approved by the legislature of each of the above mentioned states and by the congress of the United States.

State
engineer
to serve on
Colorado
river joint
commission.

SEC. 2. The governor of California, immediately after such representative of the State of California has been appointed and has qualified, shall notify the governor of each of the above mentioned states of the appointment of the said representative of California, giving his name and address, but said representative shall not enter upon the performance of his duties until a representative to serve upon said joint commission shall have been named and qualified for each of the states named in section one hereof.

Notice to
governors
of other
states.

Authority of
representative.

SEC. 3. Said representative from California shall have full authority to make any and all investigations of the Colorado river and the drainage area thereof, which may become necessary in order to sufficiently advise said representative of the physical conditions obtaining upon said streams, and of the present and future need of the State of California and its citizens to the use and benefit of the waters of said stream. To that end, said representative shall have authority to administer oaths, examine and require the attendance of witnesses, and to perform such other duties as may be necessary to sufficiently apprise said representative of the facts and furnish him with adequate information in order that he may properly perform his duties as representative of the State of California upon said joint commission.

Emergency
measure.

SEC. 4. Inasmuch as the Colorado river during flood periods constitutes a menace to life and property within this state and the purpose of the commission is to meet immediately upon the appointment and qualification of the representatives of the several states for the purpose of adopting a plan of agreement which will ultimately make possible the construction of impounding dams that will eliminate this hazard, it is hereby declared that this act is an emergency measure necessary for the immediate preservation of the public health, peace and safety, and that under the provisions of section one of article four of the state constitution an urgency exists, and this act shall take effect immediately.

CHAPTER 89.

An act to amend section two hundred forty-five of the Penal Code, relating to assault with a deadly weapon.

[Approved May 12, 1921. In effect July 29, 1921.]

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

SECTION 1. Section two hundred forty-five of the Penal Code is hereby amended to read as follows:

Penalty for
assault with
deadly
weapon.

245. Every person who commits an assault upon the person of another with a deadly weapon or instrument, or by any means or force likely to produce great bodily injury, is punishable by imprisonment in the state prison, or in a county jail, not exceeding ten years, or by fine not exceeding five thousand dollars, or by both.

CHAPTER 90.

An act to amend section two hundred eighty-six of the Penal Code, relating to the crime against nature.

[Approved May 12, 1921. In effect July 29, 1921.]

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

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

286. Every person who is guilty of the infamous crime against nature, committed with mankind or with any animal, is punishable by imprisonment in the state prison not less than one nor more than ten years. Penalty for crime against nature.

CHAPTER 91.

An act to add a new section to the Penal Code to be numbered six hundred fifty-four c, regarding the advertisement of the sale of second-hand or defective merchandise.

[Approved May 12, 1921. In effect July 29, 1921.]

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

654c. It shall be unlawful for any person, firm, or corporation, in any newspaper, magazine, circular, form letter or any open publication, published, distributed or circulated in the State of California or on any billboard, card, label or other advertising medium, or by means of any other advertising device, to advertise, call attention to or give publicity to the sale of any merchandise, which merchandise is second-hand or used merchandise, or which merchandise is defective in any manner, or which merchandise consists of articles or units or parts known as "seconds," or blemished merchandise, or which merchandise has been rejected by the manufacturer thereof as not first-class, unless there be conspicuously displayed directly in connection with the name and description of such merchandise and each specified article, unit or part thereof, a direct and unequivocal statement, phrase, or word which will clearly indicate that such merchandise or each article, unit or part thereof so advertised is second-hand, used, defective, or consists of "seconds" or is blemished merchandise, or has been rejected by the manufacturer thereof, as the fact shall be. Advertising sale of second-hand merchandise.

Any person, firm or corporation who shall violate any of the provisions of this statute shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not to exceed five hundred (500) dollars, or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Penalty.

CHAPTER 92.

An act to add a new section to the Penal Code to be numbered section 402f, defining pillows; regulating the making, re-making and sale thereof; requiring that materials used therein shall be accurately described, and prescribing the manner in which pillows shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act.

[Approved May 12, 1921. In effect July 29, 1921.]

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

"Pillow"
defined.

402f. 1. The term "pillow" as used in this act, shall be construed to mean a bag or case of cloth filled or stuffed with feathers or down, to be used as a rest or support for the head in reclining or sleeping.

Sterilization
of materials.

2. No person, firm or corporation shall use or employ in the making, remaking or renovating of any pillow, any second-hand material of any kind unless any and all of such materials have been thoroughly sterilized and disinfected by a reasonable process, approved by the state board of health.

3. No person, firm or corporation shall sell, offer or expose for sale, barter or trade, or have in possession with intent to sell, deliver or consign any pillow made, remade or renovated in violation of any of the provisions of this act.

Tag showing
kind of
material.

4. No person, firm or corporation shall directly or indirectly, at wholesale or retail, or otherwise sell, offer or expose for sale, barter or trade, deliver or consign or have in possession with intent to sell, deliver or consign, any pillow that shall not have plainly and indelibly stamped or printed upon the face of a muslin or linen tag not smaller than three inches square securely sewed to the covering thereof, a statement in the English language setting forth the kind or kinds of materials used in making and filling said pillow, and whether or not said materials are in whole or in part second-hand, and the name and address of the manufacturer or vendor or both.

Second-hand
material.

5. Any pillow made from any second-hand material shall have stamped or printed upon aforesaid tag attached thereto, in type not smaller than twenty-point, the words "second-hand."

6. For the purpose of this act, only such materials as shall not have sustained a prior use shall be called new, all others must be called second-hand.

Statement
on tag

7. The statement required under section four of this act, shall be the following form:

MATERIALS USED IN MAKING.

----- feathers
 ----- ticking
 Vendor -----
 Address -----

This article is made in compliance with the act of the State of California, approved the ----- day of -----.

8. Any person who shall remove, deface, alter, or in any manner attempt same, or shall cause to be removed, defaced, or altered, any mark or statement upon any such tag attached to any pillow under the provisions of this act and any person, firm or corporation who shall make any false statement upon said such tag shall be guilty of a violation of this act. Penalty for removing tag.

9. The unit for a separate and distinct offense in violation of this act shall be each and every pillow made, remade, renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver or consign, contrary to the provisions hereof. Unit for separate offense.

10. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, and not to exceed five hundred dollars, or by imprisonment for not less than three months and not exceeding six months or by both such fine and imprisonment. Penalty.

11. Any individual who has reason to believe that this act has been or is being violated may institute proceedings to enforce this act and to punish violations of its provisions.

12. All acts or parts of acts inconsistent herewith are hereby repealed. Repealed.

CHAPTER 93.

An act to provide for the organization and supervision of course in fire prevention in the elementary, secondary and normal schools of the state.

[Approved May 12, 1921. In effect July 20, 1921.]

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

SECTION 1. The board of education of each county, city and county, and city, whose duty it is to prescribe the course of study for the elementary schools of such county, city and county, and city, shall prescribe a course of study in fire prevention dealing with the protection of lives and property against loss and damage as a result of preventable fire in accordance with the provision of this act for all pupils enrolled in the day elementary schools; and the high school Fire prevention courses in schools.

board of each high school district shall prescribe a suitable course of fire prevention in accordance with the provisions of this act for all pupils enrolled in the day high school of such district.

Purposes.

SEC. 2. The aims and purposes of the courses of fire prevention established under the provisions of this act shall be as follows: (1) To create an understanding of the cause and origin of fires; (2) To emphasize the dangers of carelessness and neglect in homes and public buildings and the necessity of care in the use of fires; (3) To promote an interest in preventing fires and the protection of lives and property.

Enforcement

SEC. 3. It shall be the duty of the superintendent of schools of every county, city and county, or city, of every board of education, board of school trustees or high school board, to enforce the course of fire prevention prescribed by the proper authority. And it shall be the duty of each teacher in any public school of the State of California to devote a reasonable time in each month during which such school is in session to the instruction of the pupils thereof in said course of study and fire prevention comprising the ways and means of preventing loss and damage to lives and property through preventable fires.

Normal school courses.

SEC. 4. The state board of education in standardizing the courses of instruction offered in the several normal schools of the state shall prescribe a course in fire prevention, and shall make the completion of such course a requirement for graduation.

Rules by state board of education.

SEC. 5. It shall be the duty of the state board of education to adopt such rules and regulations as it may deem necessary and proper to secure the establishment of a course in fire prevention in the elementary and secondary schools in accordance with the provisions of this act.

CHAPTER 94.

An act to amend section one thousand ninety-eight of the Penal Code, relating to the trials of defendants who are jointly charged with crime and to repeal section one thousand fifty-six of said code, relating to the exercise of challenges when defendants are tried jointly.

[Approved May 13, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one thousand ninety-eight of the Penal Code is hereby amended to read as follows:

Trial of defendants jointly charged with crime.

1098. When two or more defendants are jointly charged with any public offense, whether felony or misdemeanor, they must be tried jointly, unless the court order separate trials. In ordering separate trials, the court in its discretion may

order a separate trial as to one or more defendants, and a joint trial as to the others, or may order any number of the defendants to be tried at one trial, and any number of the others at different trials, or may order a separate trial for each defendant. If the defendants are tried jointly, the state and the defendants shall be entitled to the number of challenges prescribed by section one thousand seventy of this code, which challenges on the part of the defendants must be exercised jointly. Each defendant shall also be entitled to five additional challenges which may be exercised separately; the state shall also be entitled to additional challenges equal to one-half the number of all the additional separate challenges allowed the defendants, any fraction to be regarded as an additional challenge.

Sec. 2. Section one thousand fifty-six of the Penal Code Repealed. is hereby repealed.

CHAPTER 95.

An act to amend sections one hundred seventy-two b, one hundred seventy-two c and one hundred seventy-two d of the Civil Code, relating to the obtaining of orders relative to disposition of property of insane and incompetent persons.

[Approved May 12, 1921. In effect July 29, 1921.]

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

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

172b. Where real property is held as community property, and either the husband or wife has been adjudged insane or incompetent, the husband or wife not insane or incompetent may petition the superior court of the county in which such community real property is situated for an order permitting the husband or wife, not insane or incompetent, to sell and convey, mortgage or lease, such community real property to raise moneys to provide for the support and care either of the sane or insane or incompetent spouse, or of their minor children, and also to raise moneys for the payment of the necessary taxes, interest and other charges incurred and required to be paid for the protection and preservation of the community estate and whenever it appears it is for the advantage, benefit and best interests of the spouses, the estate or their dependents. Such petition must be subscribed and sworn to by the applicant, setting forth the name and age of the insane or incompetent husband or wife; a description of the premises constituting the community real property petitioned to be sold, mortgaged, or leased; the value of same; the county in which it is situated; and such facts, in addition to the insanity or incompetency of the husband or wife, relating to the circumstances and necessities

Permit to sell, etc. community property if husband or wife insane

of the applicant and his or her family as he or she may rely upon in support of the petition.

Sec. 2. Section one hundred seventy-two *c* of the Civil Code is hereby amended to read as follows:

Notice of
application
for permit.

172*c*. Notice of the application for such order must be given by publication of the same, in a newspaper published in the county in which such community real property is situated, if there is a newspaper published therein, once each week for three successive weeks, prior to the hearing of such application, and a copy of such notice must also be personally served upon the nearest relative of such insane or incompetent husband or wife, resident in this state, at least three weeks prior to such application; and in case there is no such relative known to the applicant, a copy of such notice must be served upon the public administrator of the county in which such community real property is situated; and in such case it is the duty of such public administrator to appear and represent the interest of such insane or incompetent person. For all such services rendered by the public administrator he must be allowed a reasonable fee, to be fixed by the court, and the same must be taxed as costs against the person making application for the order herein provided for.

Sec. 3. Section one hundred seventy-two *d* of the Civil Code is hereby amended to read as follows:

Validity
of sale.

172*d*. If it appears to the court that such husband or wife has been adjudged insane or incompetent, the court may make an order permitting the husband or wife, not insane or incompetent, to sell and convey, or mortgage or lease such community real property, and thereafter any sale, conveyance, mortgage or lease, made in pursuance of such order is as valid and effectual as if the property affected thereby was the absolute property of the person making such sale, conveyance, mortgage or lease. If a sale is ordered it must be reported to and confirmed by the court.

CHAPTER 96.

An act to add a new section to the Civil Code to be numbered four hundred two, relating to the determination of the identity of directors of dissolved corporations and settlement of affairs of such corporations.

[Approved May 12, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Civil Code to be numbered four hundred two and to read as follows:

Determina-
tion of
identity of
directors of
dissolved
corporations.

402. If, upon the dissolution of any corporation, whether heretofore or hereafter occurring, the identity of the directors or managers of the affairs of such corporation, at the time of such dissolution shall not be otherwise judicially established,

any person interested in the property, comprising the assets of such corporation at the time of such dissolution, may file a verified petition in the superior court of the State of California in and for the county wherein was located the principal place of business of such corporation, at the time of its dissolution, setting forth the facts of dissolution of such corporation, the petitioner's interest in the property which formerly comprised the assets of such corporation, the absence of any judicial determination of the identity of the directors or managers of the affairs of such corporation at the time of its dissolution, the names and places of residence, so far as known to petitioner, of the persons who were such directors or managers of the affairs of such corporation (or if any be dead, or unable to act, or their names or places of residence be unknown, then such facts shall be stated), also any other facts pertinent to the relief prayed for, and a request that a decree be entered in said court, establishing the identity of the persons who were such directors or managers of the affairs of such corporation at the time of its dissolution, and for an order appointing successors for any such directors or managers who may be dead or unable to act, or, if it be impossible to determine the identity of all or any of such directors or managers, then for an order appointing trustees of the creditors and stockholders or members of such corporation in the place of such unknown directors or managers.

Upon the filing of such petition the clerk of said court shall ^{Hearing.} fix a time and place for hearing said petition, not less than fifteen nor more than thirty days from the filing of said petition, and shall give notice thereof by posting notices in three public places in said county at least ten days before the date fixed for said hearing, and, if the place of residence of any such directors or managers be stated in the petition, then by mailing copies of said notice to each of the persons named in said petition as directors or managers of the affairs of such corporation at the time of its dissolution, at their respective places of residence as stated in said petition.

At any time before the date fixed for such hearing, any person interested in any property formerly comprising the assets of such corporation, or any person named in said petition as one of the directors or managers of the affairs of such corporation, may answer said petition and deny any of the matters contained therein and set forth such affirmative matters as may aid the court in making a proper decree in accordance with the purposes of the petition.

At the time fixed for such hearing or at such time thereafter ^{Order determining identity.} as may be fixed by the court, the court must hear the proofs offered by the petitioner and by any person answering the same, and must make an order and decree, conformable to the proofs, determining and establishing the identity of the persons who were the directors or managers of the affairs of such corporation at the time of its dissolution, and appointing successors for any such directors or managers who may be

dead, or who may be unable to or may refuse to act, or appointing trustees in the place of any of such directors or managers whose identity can not be determined. Any such successor or trustee so appointed, shall thereupon become one of the trustees of the creditors and stockholders or members of such corporation, with the same powers and duties as by section four hundred of this code, and otherwise by law, shall be given to or imposed upon directors or managers of such corporation upon its dissolution.

Said court shall thereafter retain jurisdiction in said proceeding to hear and determine all matters pertaining to said trusts, which may arise out of the provisions of section four hundred of this code, or which may not be otherwise expressly provided for, and to make all necessary orders, judgments and decrees pursuant thereto.

The dissolution of a corporation, as the term is used in this section, shall include any legal termination of corporate existence, whether by forfeiture of charter, expiration of term of existence, dissolution by order of court of competent jurisdiction, or otherwise.

The provisions of this section shall be cumulative of any other remedy provided by law, and shall not impair or affect any remedy or proceeding otherwise provided by law for settling the affairs of a corporation which has been dissolved.

CHAPTER 97.

An act to amend section one thousand two hundred seven of the Civil Code, relating to defectively acknowledged instruments.

[Approved May 12, 1921. In effect July 29, 1921.]

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

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

Defectively
acknowledged
instruments.

1207. Any instrument affecting the title to real property, including any instrument executed by a married woman on or after the first day of July, 1891, which was, previous to the first day of January, 1921, copied into the proper book of record, kept in the office of any county recorder, in parts, after that date, notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument, or in the certificate of acknowledgment thereof, or the absence of any such certificate; but nothing herein affects the rights of purchasers or encumbrancers previous to the taking effect of this act. Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument

duly acknowledged and recorded; *provided*, when such copying in the proper book of record occurred within fifteen years prior to the trial of the action, it is shown first that the original instrument was genuine.

CHAPTER 98.

An act to amend section nine hundred forty-nine of the Code of Civil Procedure, relative to stay of proceedings upon filing and undertaking in case of an appeal.

[Approved May 12, 1921. In effect July 29, 1921.]

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

SECTION 1. Section nine hundred forty-nine of the Code of Civil Procedure is hereby amended to read as follows:

949. In cases not provided for in sections nine hundred forty-two, nine hundred forty-three, nine hundred forty-four, and nine hundred forty-five, the perfecting of an appeal by giving the undertaking or making the deposit mentioned in section nine hundred forty-one, stays proceedings in the court below upon the judgment or order appealed from, except where it directs the sale of perishable property; in which case the court below may order the property to be sold and the proceeds thereof to be deposited, to abide the judgment of the appellate court; and except, also, where it adjudges the defendant guilty of usurping, or intruding into, or unlawfully holding a public office, civil or military, within this state, and except, also, where the order grants, or refuses to grant, a change of the place of trial of an action; and except also where it orders a corporation or its officers or agents, or any of them, to give to a person adjudged to be a director, stockholder or member of such corporation a reasonable opportunity to inspect or take copies of such books, papers or documents of the corporation as the court finds that such director, stockholder or member is entitled by law to inspect or copy: and except, also, where it adjudges a building or place to be a nuisance, and as a part of the judgment in the case orders and directs the closing of the building or place against its use for any purpose for any period of time.

Stay of proceedings on perfecting appeal.

Exception when building declared nuisance.

CHAPTER 99.

An act to repeal section two thousand thirteen of the Civil Code, relating to time of service.

[Approved May 12, 1921. In effect July 29, 1921.]

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

SECTION 1. Section two thousand thirteen of the Civil Code is hereby repealed.

Repealed.

CHAPTER 100.

An act to amend section one of the act entitled, "An act in relation to pimping, to define and prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial therefor," approved February 8, 1911.

[Approved May 13, 1921. In effect July 29, 1921.]

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

Penalty
for
pimping

SECTION 1. Any male person who, knowing a female person to be a prostitute, shall live or derive support or maintenance in whole or in part, from the earnings or proceeds of the prostitution of such prostitute, or from moneys loaned or advanced to or charged against such prostitute by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who shall solicit or receive compensation for soliciting for such prostitute, shall be guilty of a felony, to wit: pimping, and upon conviction for an offense under this act shall be punished by imprisonment in the state prison for a period of not less than one year nor more than ten years.

CHAPTER 101.

An act to amend section two hundred eighty-five of the Penal Code, relating to incest.

[Approved May 13, 1921. In effect July 29, 1921.]

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

Penalty
for incest.

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

285. Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who commit fornication or adultery with each other, are punishable by imprisonment in the state prison not less than one year nor more than fifty years.

CHAPTER 102.

An act to amend section five hundred thirty-eight of the Penal Code, relating to the removal of mortgaged personal property.

[Approved May 13, 1921. In effect July 29, 1921.]

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

SECTION 1. Section five hundred thirty-eight of the Penal Code is hereby amended to read as follows:

538. Every person, who, after mortgaging any of the prop-
erty, permitted to be mortgaged by the provisions of section
two thousand nine hundred fifty-five of the Civil Code, except-
ing locomotives, engines, rolling stock of a railroad, steam-
boat machinery in actual use, and vessels, during the existence
of such mortgage, with intent to defraud the mortgagee, his rep-
resentatives or assigns, takes, drives, carries away, or other-
wise removes or permits the taking, driving, or carrying away,
or other removal of the mortgaged property, or any part
thereof, from the county where it was situate when mortgaged,
without the written consent of the mortgagee, or who sells,
transfers, or in any manner further encumbers the said mort-
gaged property, or any part thereof, or causes the same to be
sold, transferred, or further encumbered, is guilty of larceny,
and is punishable accordingly; unless at or before the time of
making such sale, transfer or encumbrance, such mortgagor
informs the person to whom such sale, transfer, or encumbrance
is made, of the existence of the prior mortgage, and also in-
forms the prior mortgagee of the intended sale, transfer, or
encumbrance, in writing, by giving the name and place of
residence of the party to whom the sale, transfer or encum-
brance is to be made.

Removal of
mortgaged
personal
property

CHAPTER 103.

An act to amend section five hundred ninety-one of the Penal Code, relating to injuries to telegraph and telephone lines.

[Approved May 13, 1921. In effect July 29, 1921.]

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

SECTION 1. Section five hundred ninety-one of the Penal Code is hereby amended to read as follows:

591. Every person who unlawfully and maliciously takes
down, removes, injures or obstructs or makes any un-
authorized connection with any line of telegraph or telephone,
or any other line used to conduct electricity, or any part
thereof, or appurtenances or apparatus connected therewith,

Injuring
telegraph and
telephone
lines.

or severs any wire thereof, is punishable by imprisonment in the state prison not exceeding five years, or by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year.

CHAPTER 104.

An act to amend section eight hundred seventeen of the Penal Code, relating to peace officers.

[Approved May 13, 1921. In effect July 29, 1921.]

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

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

Who are
peace
officers.

817. A peace officer is a sheriff of a county, or a constable, marshal, or policeman of a town, city or town, or inspectors of the California state board of pharmacy, not exceeding ten in number, or special agents, not exceeding two in number, or assistant special agents, not exceeding two in number, of the board of medical examiners of the State of California.

CHAPTER 105.

An act to amend section one hundred ninety of the Penal Code, relating to punishment for murder.

[Approved May 13, 1921. In effect July 29, 1921.]

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

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

Penalty
for murder.

190. Every person guilty of murder in the first degree shall suffer death, or confinement in the state prison for life, at the discretion of the jury trying the same; or, upon a plea of guilty, the court shall determine the same; and every person guilty of murder in the second degree is punishable by imprisonment in the state prison not less than ten years; *provided, however,* that the death penalty shall not be imposed or inflicted upon any person for murder committed before such person shall have reached the age of eighteen years; *provided, further,* that the burden of proof as to the age of said person shall be upon the defendant.

Persons
under
eighteen
years.

CHAPTER 106.

An act to amend section five hundred forty-eight of the Penal Code, relating to the burning, destroying, abandoning, concealing or disposing of insured property.

[Approved May 13, 1921. In effect July 29, 1921.]

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

SECTION 1. Section five hundred forty-eight of the Penal Code is hereby amended to read as follows:

548. Every person who wilfully burns or in any other manner injures, destroys, secretes, abandons, or disposes of any property which at the time is insured against loss or damage by fire, or theft, or embezzlement, or any casualty with intent to defraud or prejudice the insurer, whether the same be the property or in the possession of such person or any other person, is punishable by imprisonment in the state prison for not less than one year and not more than ten years.

Destroying insured property.

CHAPTER 107.

An act to amend sections two hundred eighty-eight, two hundred eighty-nine, two hundred ninety-one and two hundred ninety-nine of the Code of Civil Procedure, and to add a new section to said code, to be numbered three hundred, relating to the suspension and disbarment of attorneys.

[Approved May 16, 1921. In effect July 29, 1921.]

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

SECTION 1. Section two hundred eighty-eight of the Code of Civil Procedure is hereby amended to read as follows:

288. In case of the conviction of an attorney or counselor of a felony or misdemeanor, involving moral turpitude, the clerk of the court in which such conviction is had shall, within thirty days thereafter, transmit to the supreme court a certified copy of the record of conviction. A plea or verdict of guilty is deemed to be a conviction within the meaning of this section.

Record of conviction transmitted to supreme court.

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

289. The proceedings to remove or suspend an attorney and counselor, under the first subdivision of section two hundred eighty-seven, must be taken by the court on the receipt of a certified copy of the record of conviction. The proceedings under any of the other subdivisions of that sec-

Proceedings for removal or suspension.

tion may be taken by the court for the matters within its knowledge, or may be taken upon the information of another.

SEC. 3. Section two hundred ninety-one of said code is hereby amended to read as follows:

Verification
of accusation.

291. The accusation must state the matters charged, and be verified by the oath of some person, to the effect that the charges therein contained are true, which verification may be made upon information and belief when the accusation is presented by an organized bar association.

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

Judgment.

299. Upon the receipt of a certified copy of the record of conviction of an attorney of a crime involving moral turpitude, the court must suspend the attorney until judgment in the case has become final. When a judgment of conviction in such case has become final the court shall order the attorney permanently disbarred. When the attorney has been found guilty of the charges made in proceedings not based upon a record of conviction, judgment shall be rendered disbaring the attorney either permanently or for a limited time, according to the gravity of the offense charged. During such suspension or disbarment the attorney shall be precluded from practicing as an attorney at law or as an attorney or agent of another in and before all courts, commissions and tribunals in the state, including justice courts, recorder's courts and police courts, and from practicing as attorney or counselor at law in any manner and from holding himself out to the public as an attorney or counselor at law. When permanently disbarred his name shall be stricken from the roll of attorneys and counselors.

SEC. 5. A new section is hereby added to said code, to be numbered three hundred, and to read as follows:

Disqualifica-
tion as
plaintiff.

300. No attorney and counselor, while a judgment of disbarment or suspension is in force, shall appear on his own behalf as plaintiff in the prosecution of any action where the subject of said action has been assigned to him but the beneficial interest therein remains in another.

CHAPTER 108.

An act to amend section four hundred eleven of the Code of Civil Procedure, relating to service of summons.

[Approved May 16, 1921. In effect July 23, 1921.]

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

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

Service of
summons.

411. The summons must be served by delivering a copy thereof as follows:

1. If the suit is against a corporation formed under the laws of this state: to the president or other head of the corporation, vice president, secretary, assistant secretary, cashier or managing agent thereof.

2. If suit is against a foreign corporation, or a non-resident joint stock company or association, doing business and having a managing or business agent, cashier or secretary within this state: to such agent, cashier or secretary.

3. If against a minor, under the age of fourteen years, residing within this state: to such minor, personally, and also to his father, mother, or guardian; or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If against a person residing within this state who has been judicially declared to be of unsound mind, or incapable of conducting his own affairs, and for whom a guardian has been appointed: to such person, and also to his guardian.

5. If against a county, city or town: to the president of the board of supervisors, president of the council or trustees, or other head of the legislative department thereof.

6. In all cases where a corporation has forfeited its charter or right to do business in this state by delivering a copy thereof to one of the persons who have become the trustees of the corporation and of its stockholders or members.

7. In all other cases to the defendant personally.

CHAPTER 109.

An act to amend section one thousand four hundred sixty-nine of the Code of Civil Procedure, relating to administration of estates of a limited value.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

1469. If a deceased person leave a widow or minor child or minor children and upon the return of the inventory of the estate of such deceased person it shall appear to the court or a judge thereof by the verified petition of the personal representative of such deceased person or of his widow or of the guardian of his minor children or of any of them that the net value of the whole estate of said deceased over and above all liens or encumbrances of record at the date of the death of said deceased does not exceed the sum of two thousand five hundred dollars, the court, or a judge thereof, shall, by order, require all persons interested to appear on a day fixed

Administra-
tion of
estate not
exceeding
\$2,500
in value.

to show cause why the whole of said estate should not be assigned for the use and support of the family of the deceased. Notice thereof shall be given and proceedings had in the same manner as provided in section one thousand four hundred sixty-five *a* of this code. If upon the hearing, the court finds that the net value of the estate over and above all liens or encumbrances of record at the date of the death of said deceased does not exceed the sum of two thousand five hundred dollars, it shall, by decree for that purpose, assign to the widow of the deceased, if there be a widow, or if there be no widow, then to the minor children of the deceased, if there be minor children, the whole of the estate, subject to whatever mortgages, liens, or encumbrances there may be upon said estate at the time of the death of said deceased, after the payment of the expenses of the last illness of the deceased, funeral charges, and expenses of administration, and the title thereof shall vest absolutely in such widow, if there is a widow, or if there is no widow, in the minor children or child, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the deceased, and there must be no further proceedings in the administration, unless further estate be discovered.

CHAPTER 110.

An act to amend section three hundred seventy of the Code of Civil Procedure, relating to married women as parties to actions.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Married
women as
parties to
actions.

370. A married woman may be sued without her husband being joined as a party, and may sue without her husband being joined as a party in all actions, including those for injury to her person, libel, slander, false imprisonment, or malicious prosecution, or for the recovery of her earnings, or concerning her right or claim to the homestead property.

CHAPTER 111.

An act to amend sections one thousand seven hundred sixty-eight, one thousand seven hundred seventy, one thousand seven hundred seventy-seven, one thousand seven hundred seventy-eight, one thousand seven hundred eighty-eight, one thousand seven hundred eighty-nine, and one thousand seven hundred ninety-one of the Code of Civil Procedure, and to repeal sections one thousand seven hundred eighty-one, one thousand seven hundred eighty-two, one thousand seven hundred eighty-three, one thousand seven hundred eighty-four, one thousand seven hundred eighty-five, one thousand seven hundred eighty-six, one thousand seven hundred eighty-seven and one thousand seven hundred ninety of the Code of Civil Procedure, all relating to the sale by a guardian of real property belonging to the estate of his ward, and the disposition of the proceeds of the sale.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

1768. Every guardian appointed under the provisions of this chapter, whether for a minor or any other person, must pay all just debts due from the ward out of his personal estate and the income of his real estate, if sufficient; if not, then out of his real estate upon selling or mortgaging it and disposing of the proceeds in the manner provided in article four of this chapter.

Guardian to pay debts of ward from ward's estate.

SEC. 2. Section one thousand seven hundred seventy of the Code of Civil Procedure is hereby amended to read as follows:

1770. Every guardian must manage the estate of his ward frugally and without waste, and apply the income and profits thereof, as far as may be necessary, for the comfortable and suitable maintenance and support of the ward and his family, if there be any; and if such income and profits be insufficient for that purpose, the guardian may sell or mortgage the real estate, as provided in this code, and must apply the proceeds of such sale or mortgage, as far as may be necessary, for the maintenance and support of the ward and his family, if there be any.

Guardian to manage estate frugally.

SEC. 3. Section one thousand seven hundred seventy-seven of the Code of Civil Procedure is hereby amended to read as follows:

1777. When the income of an estate under guardianship is insufficient to maintain the ward and his family or to maintain and educate the ward when a minor, or to pay for his care, treatment and support, if confined in a state hospital for the insane, his guardian may sell his real or personal estate, or

When income from ward's estate is insufficient.

mortgage the real estate for that purpose subject to confirmation of such sale or mortgage by the court; *provided*, that when the ward is or has been, during the guardianship, confined in a state hospital for the insane in this state notice of the hearing of the guardian's return of proceedings of sale shall be given to the secretary of the state commission in lunacy or its attorney at least five days before the hearing.

SEC. 4. Section one thousand seven hundred seventy-eight of the Code of Civil Procedure is hereby amended to read as follows:

Sale of real estate upon confirmation by court.

1778. When it appears to the guardian, that for the benefit of his ward his real estate, or some part thereof, should be sold, and the proceeds thereof put out at interest, or invested in some productive stock, or in the improvement or security of any other real estate of the ward, his guardian may sell the same for such purpose, at public or private sale subject to confirmation by the court.

SEC. 5. Section one thousand seven hundred eighty-eight of the Code of Civil Procedure is hereby amended to read as follows:

Bond of guardian before sale.

1788. Every guardian authorized to sell or mortgage real estate, must, before the sale or mortgage is confirmed, give bond to the ward, with sufficient surety, to be approved by the court, or a judge thereof, with condition to account for the proceeds of the sale or mortgage as provided for in this chapter and chapter seven of this title.

SEC. 6. Section one thousand seven hundred eighty-nine of the Code of Civil Procedure is hereby amended to read as follows:

Sales of property to conform with law governing executors.

1789. All the proceedings by guardians concerning sales of property of their wards, giving notice of sale, reselling the same property, return of sale and application for confirmation thereof, notice and hearing of such application, making orders rejecting or confirming sales and reports of sales, ordering and making conveyances of property sold, allowance of commissions, accounting and settlement of accounts, must be had and made as required by the provisions of this title concerning estates of decedents, unless otherwise specially provided in this chapter. All known relatives of the ward within the third degree residing in this state whose addresses are known to the guardian shall within two days after filing of the return of sale be served by mail with a brief notice of the time set for hearing of the return.

SEC. 7. Section one thousand seven hundred ninety-one of the Code of Civil Procedure is hereby amended to read as follows:

Conditions of sales.

1791. All sales of real estate of wards must be for cash, or for part cash and part deferred payments, the credit in no case to exceed three years from date of sale, as the guardian deems most beneficial to the ward, the terms being subject to the approval of the court. Guardians making sales must demand and receive from the purchasers, in case of deferred payments,

notes, and a mortgage or deed of trust on the real estate sold, with such additional security as the court deems necessary and sufficient to secure the prompt payment of the amounts so deferred, and the interest thereon.

SEC. 8. Sections one thousand seven hundred eighty-one, one thousand seven hundred eighty-two, one thousand seven hundred eighty-three, one thousand seven hundred eighty-four, one thousand seven hundred eighty-five, one thousand seven hundred eighty-six, one thousand seven hundred eighty-seven, and one thousand seven hundred ninety of the Code of Civil Procedure are hereby repealed. Repealed.

CHAPTER 112.

An act to amend section one thousand seven hundred four of the Code of Civil Procedure, relating to entry in minute book of orders and decrees made by the court or a judge thereof.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

1704. Orders and decrees made by the court or a judge thereof, in probate proceedings, need not recite the existence of facts, or the performance of acts, upon which the jurisdiction of the court or judge may depend, but it shall only be necessary that they contain the matters ordered, or adjudged, except as otherwise provided in this title. All orders and decrees of the court or judge must be entered at length in the minute book of the court, or must be signed by the judge and filed; but decrees of distribution must always be so entered at length. Orders and decrees in probate proceedings.

CHAPTER 113.

An act to amend section four hundred sixteen of the Code of Civil Procedure, relating to the time and manner of acquiring jurisdiction by the court in civil actions and proceedings.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

416. From the time of the service of the summons and of a copy of the complaint in a civil action, where service of a copy of the complaint is required, or of the completion of the When jurisdiction of action is acquired.

publication when service by publication is ordered, the court is deemed to have acquired jurisdiction of the parties, and to have control of all the subsequent proceedings. In all cases where a corporation has forfeited its charter or right to do business in this state, the persons who become the trustees of the corporation and of its stockholders or members may be sued in the corporate name of such corporation in like manner as if no forfeiture had occurred and from the time of service of the summons and of a copy of the complaint in a civil action, upon one of said trustees, or of the completion of the publication when service by publication is ordered, the court is deemed to have acquired jurisdiction of all said trustees, and to have control of all the subsequent proceedings. The voluntary appearance of a defendant is equivalent to personal service of the summons and copy of the complaint upon him.

CHAPTER 114.

An act to amend section one thousand four hundred ninety-two of the Code of Civil Procedure, relating to recording decree of notice to creditors.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Recording
decree of
notice to
creditors.

1492. After the notice is given, as required by the preceding section, a copy thereof, with the affidavit of due publication, or of publication and posting, must be filed and upon such affidavit or other testimony to the satisfaction of the court, an order or decree showing that due notice to creditors has been given, and directing that such order or decree be entered in the minutes, must be made by the court.

CHAPTER 115.

An act to require the furnishing of seats for elevator operators.

[Approved May 16, 1921. In effect July 29, 1921.]

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

Seats for
elevator
operators.

SECTION 1. All elevators used for the carriage of passengers shall be provided with a suitable seat for the operator in charge of the same. Failure to comply with this act shall be deemed a misdemeanor and punishable by a fine not exceeding twenty-five dollars for each offense.

CHAPTER 116.

An act to amend section one thousand three hundred ten of the Civil Code, relating to devisees or legatees.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

1310. When any estate is devised or bequeathed to any child or other relation of the testator, and the devisee or legatee dies before the testator, leaving lineal descendants, or any such child or other relation is named in a will as a devisee or legatee and is dead at the time the will is executed, but leaves lineal descendants surviving the testator, such descendants take the estate so given by the will in the same manner as the devisee or legatee would have done had he survived the testator.

Distribution of estate when legatee dies before testator.

CHAPTER 117.

An act to amend sections three thousand seven hundred sixty-four, three thousand seven hundred seventy-one of the Political Code, relating to the publication of the notice of sale and the sale of properties for delinquent taxes, and to add a new section to the Political Code, to be known as section three thousand seven hundred seventy-one a, relating to the same subject.

[Approved May 13, 1921. In effect July 29, 1921.]

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

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

3764. (1) On or before the eighth day in June of each year, the tax collector shall publish the delinquent list, which must contain the names of persons and a description of the property delinquent, and the total amount of all taxes, assessments, penalties, and costs due, and which are a lien thereon. Whenever any property appears in this list, which was sold to the state five years previous to the date fixed herein for the sale to be had under the provisions of section three thousand seven hundred seventy-one a of this code there shall appear immediately following the description of such property a notice, which notice shall be in substance, and may be in form as follows:

Annual publication of delinquent tax list.

“To be sold at public auction-----19--
See sale No.-----in addenda to this list.”

Notice of
sale.

(2) In addition to the publication prescribed in subdivision one of this section, there shall be appended thereto a notice of sale, and a list of all property which was sold to the state five years previous to the date fixed herein for the sale to be had under the provisions of section three thousand seven hundred seventy-one of this code, on which the taxes remain unpaid, or which has not been redeemed or the sale thereon cancelled, and to which property the state would otherwise be entitled to a deed thereof after the lapse of five years from the date of said previous sale. Such notice shall state the day and hour and the place of sale, which sale must be had not less than twenty-one or more than twenty-eight days from the time of the first publication, and the place shall be in the tax collector's office, and shall contain a description of the property to be sold and the least amount which will be accepted as a bid thereon, which amount shall be the amount of the taxes, penalties and costs for which the property was sold to the state at said sale. The properties enumerated shall each be preceded by a sale number, such sale numbers running in regular sequence. Said notice herein provided for shall be in substance, and may be in form as follows:

“Addenda to delinquent tax list.

Notice of sale of property for delinquent taxes of
19---- at public auction.

In pursuance of law, public notice is hereby given that, commencing on the _____day of_____19-- at the hour of_____o'clock____m., of that day, and continuing from day to day thereafter, if additional time is required to complete the sale, in the office of the tax collector of the county of_____, State of California, the undersigned, tax collector, will, unless the delinquent taxes thereon are sooner redeemed, sell or offer for sale at public auction to the highest bidder, for cash, in lawful money of the United States, the several parcels and lots of property hereinafter described upon which date five years will have elapsed from the date of the sale of said property to the state. No bid for said property will be accepted for less than the amount of all taxes, penalties and costs due on said property for the year the same was sold to the state (in the year 19---- for the taxes of the year 19----) which minimum amounts are set forth opposite the description of each of said properties.

In order to entitle the successful bidder to a deed of the property purchased he must, in addition to the price paid pursuant to his bid at such sale, within thirty days pay by redemption any and all further delinquent taxes and assessments against said property, together with all penalties, costs, interest and charges accrued thereon.

After a bid has been made and accepted at such sale, the right of redemption (except by the purchaser) shall cease.

Dated this _____ day of _____ 19__

Tax collector of _____ County,
State of California.

The properties to be sold and the subject of this notice are situated in the County of _____ State of California, and particularly described as follows, to wit:

No. _____ (description of property _____

_____) assessed to _____
Least acceptable bid _____ \$ _____”

SEC. 2. Section three thousand seven hundred seventy-one of the Political Code is hereby amended to read as follows:

3771. On the day and hour fixed for the sale in accordance with subdivision one of section three thousand seven hundred sixty-four of this code, all property upon which the taxes and assessments of all kinds, penalties and costs have not been fully paid except as provided in section three thousand eight hundred fourteen of this code, shall, by operation of law and the declaration of the tax collector, be sold to the state, and said tax collector shall make in appropriate columns on the delinquent list, opposite each parcel of land so sold an entry, "Sold to the state," the date of sale, and the total amount for which such parcel of land was sold, and he shall be credited with the amount thereof in his settlement, made pursuant to sections three thousand seven hundred ninety-seven, three thousand seven hundred ninety-eight and three thousand seven hundred ninety-nine: *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties and costs due; *and provided, further*, that when the total amount of taxes and assessments together with penalties and costs thereon amounts to the sum of three hundred dollars or more, the state may bring suit against the owner of said property for the collection of said tax or assessments, penalties and costs, in the manner provided in section three thousand eight hundred ninety-nine.

Property
sold to
state.

SEC. 3. A new section is hereby added to the Political Code, to be numbered three thousand seven hundred seventy-one *a*, and to read as follows:

3771a. (1) On the day and hour fixed for the sale in accordance with subdivision two of section three thousand seven hundred sixty-four of this code, all property which has not been redeemed from the sale to the state or the sale thereon cancelled, shall be sold by the tax collector at public auction to the highest bidder for cash in lawful money of the United States; but no bid shall be accepted at such sale for a sum less than the amount of all taxes, penalties and costs due as shown in the advertised list; *provided, however*, that all lands sold

Sale of
unredeemed
property
at auction.

by the state for which the full purchase price has not been paid shall be deeded to the state.

(2) After such bid has been made and accepted, the right of redemption shall cease, except as to the purchaser, who shall have thirty days within which to make redemption, as provided in section three thousand seven hundred eighty-five b of this code. If not so redeemed, or if no sale is had under the provisions of this section, then said property shall be deeded to the state as provided in section three thousand seven hundred eighty-five of this code; provided, that when any property is to be sold at public auction as provided in this section, the tax collector shall, within five days after the first publication of said delinquent list, mail a copy of said list or publication, postage thereon prepaid and registered, to the party to whom the land was last assessed next before such sale, at his last known address, said notice to be mailed at least twenty-one days before the date of sale or in lieu of mailing the entire printed list said tax collector may mail to the party to whom the land was last assessed next before the sale at his last known post-office address, postage thereon prepaid and registered, a printed notice of such sale, which notice shall be in substance, and may be in form as follows:

“Notice of tax sale.

Notice of tax sale.

In pursuance of law, notice is hereby given that unless sooner redcedmed, the undersigned will on the----- day of-----19----- commencing at ---- o'clock -----m., and continuing from day to day thereafter if additional time is required to complete the sale, offer for sale at public auction to the highest bidder, all properties which were sold to the state for delinquent taxes for the year 19-----, on which the taxes remain unpaid, of which the following described property is a part and which property was assessed for the year 19----- to -----

----- and described as follows: -----

Redemption of the above described property may be made at any time prior to the acceptance of a bid for such property.

For full information as to the amount necessary to redeem the property, apply to the county auditor of said----- county.

(Signed)----- Tax collector of said----- county.”

Distribution of money.

(3) The money received hereunder shall be distributed as provided in section three thousand eight hundred ninety-eight of this code. The charge for advertising shall be at the rate fixed by the board of supervisors for other advertising in said county.

CHAPTER 118.

An act for the relief of purchasers of school lands.

[Approved May 16, 1921. In effect July 29, 1921.]

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

SECTION 1. When application has been made to purchase lands from this state and payment of twenty per cent of the purchase price has been made to the treasurer of the proper county for the same and certificate of purchase was issued on or after May 1, 1911, to the applicant therefor, and such applicant served his country in the world war and failed to pay the interest on the unpaid balance of the purchase price of such land, said certificate shall be in full force and effect; *provided* all interest due on the balance of the purchase price is paid to the proper county treasurer on or before December 31, 1921; *and provided, further*, that the lands described in said certificate of purchase are open to entry and sale under any law of this state at the time this act shall take effect.

Relief of
purchasers
of school
lands who
served in
war.

CHAPTER 119.

An act to amend sections one thousand three hundred eighty-seven and one thousand three hundred ninety-three of the Code of Civil Procedure, relating to the recording of letters testamentary and of administration and bonds.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

1387. Before letters testamentary or of administration are issued to the executor or administrator, he must take and subscribe an oath before some officer authorized to administer oaths, that he will perform, according to law, the duties of executor or administrator, which oath must be attached to the letters. All letters testamentary and of administration, with the affidavits and certificates thereon, must be forthwith recorded by the clerk of the court having jurisdiction of the estates, with books to be kept by him in his office for that purpose.

Oath of
executor or
adminis-
trator.

Recording
letters.

SEC. 2. Section one thousand three hundred ninety-three of the Code of Civil Procedure is hereby amended to read as follows:

Justification
of bonds.

1393. In all cases where bonds or undertakings are required to be given, under this title, the sureties must justify thereon in the same manner and in like amounts as required by section ten hundred and fifty-seven of this code, and the certificate thereof must be attached to and filed with the bond or undertaking. All such bonds and undertakings must be approved by a judge of the superior court before being filed. Upon filing, the clerk shall thereupon enter in the register of actions the date and amount of such bond or undertaking and the name or names of the surety or sureties thereon. In the event of the loss of such bond or undertaking; such entries so made shall be prima facie evidence of the due execution of such bond or undertaking as required by law.

CHAPTER 120.

An act to amend section one thousand seven hundred fifty-six of the Code of Civil Procedure, relating to the recording of letters of guardianship and bonds.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Recording
letters of
guardianship.

1756. All letters of guardianship issued under the provisions of this chapter, with the affidavits and certificates thereon, must be recorded by the clerk of the court having jurisdiction of the persons and estates of the wards.

CHAPTER 121.

An act to amend section six hundred seventy-two of the Code of Civil Procedure, relating to the docket to be kept by the clerk.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Clerk's
docket.

672. The docket mentioned in the last section is a book which the clerk keeps in his office, with each page divided into nine columns, and headed as follows: Date of entry in docket; judgment debtors; judgment creditors; judgment; time of entry; where entered in judgment book; appeals, when taken;

judgment of appellate court; satisfaction of judgment, when entered. If the judgment is for the recovery of money, the amount must be stated in the docket under the head of judgment; if the judgment is for any other relief, a memorandum of the general character of the relief granted must be stated. The names of the judgment debtors must be entered in alphabetical order.

CHAPTER 122.

An act to amend sections one thousand three hundred eighty-eight, one thousand three hundred eighty-nine, one thousand seven hundred twenty-seven, and one thousand seven hundred fifty-four, of the Code of Civil Procedure, relating to bonds given by executors, administrators, and guardians.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

1388. Every person to whom letters testamentary or of administration are directed to issue, must, before receiving them, execute a bond to the State of California, with two or more sufficient sureties, to be approved by the superior court, or a judge thereof. In form the bond must be joint and several, and the penalty must not be less than twice the value of the personal property, and twice the probable value of the annual rents, issues and profits of real property belonging to the estate, which values must be ascertained by the superior court, or a judge thereof, by examining on oath the party applying, and any other persons.

Bond of
executor or
adminis-
trator.

Where, however, a surety company is authorized by law to furnish such bond, the court in its discretion may fix the amount of the bond given by such surety company at not less than the value of the personal property and the probable value of the annual rents, issues and profits of property belonging to the estate.

Surety
company
bond.

SEC. 2. Section one thousand three hundred eighty-nine of the Code of Civil Procedure is hereby amended to read as follows:

1389. The superior court, or a judge thereof, must require an additional bond whenever the sale of any real estate belonging to an estate has been made and before confirming the sale; but no such additional bond must be required when it satisfactorily appears to the court that the penalty of the bond given before receiving letters, or of any bond given in place thereof, is equal to twice the value of the personal property remaining in or that will come into the possession of the

Additional
bonds.

executor or administrator, including the annual rents, issues and profits of real estate, and twice the probable amount to be realized on the sale of the real estate ordered to be sold.

Surety
company
bond.

Where, however, a surety company is authorized by law to furnish such bond, the court in its discretion may fix the amount of the bond given by such surety company at not less than the value of the personal property and the probable value of the annual rents, issues and profits of property belonging to the estate.

SEC. 3. Section one thousand seven hundred twenty-seven of the Code of Civil Procedure is hereby amended to read as follows:

When public
administrator
takes charge.

1727. Whenever a public administrator takes charge of an estate, which he is entitled to administer without letters of administration being issued, or under order of the court, he must, with all convenient dispatch, procure letters of administration thereon, in like manner and on like proceedings as letters of administration are issued to other persons. His official bond and oath are in lieu of the administrator's bond and oath in the following cases: on grant of special letters of administration; on grant of general letters of administration; on grant of letters of administration with the will annexed. But when real estate is ordered to be sold, another bond may be required by the court.

SEC. 4. Section one thousand seven hundred fifty-four of the Code of Civil Procedure is amended to read as follows:

Bond of
guardian.

1754. Before the order appointing any person guardian under this chapter takes effect, and before letters issue, the court shall require of such person a bond to the minor, with sufficient sureties, to be approved by the judge, and in such sum as he shall order, which sum shall not be less than twice the value of the personal property and the probable value of the annual rents, issues and profits of property belonging to the minor; where, however, a surety company is authorized by law to furnish such bond, the court in its discretion may fix the amount of the bond given by such surety company at not less than the value of the personal property and the probable value of the annual rents, issues and profits of property belonging to the minor conditioned that the guardian will faithfully execute the duties of his trust according to law, and the following conditions shall form a part of such bond without being expressed therein:

1. To make an inventory of all the estate, real and personal of his ward, that comes to his possession or knowledge, and to return the same within such time as the court may order.

2. To dispose of and manage the estate according to law and for the best interest of the ward, and faithfully to discharge his trust in relation thereto, and also in relation to the care, custody, and education of the ward.

3. To render an account on oath of the property, estate, and moneys of the ward in his hands, and all proceeds or interests derived therefrom, and of the management and disposition of

the same, within three months after his appointment, and at such other times as the court directs, and at the expiration of his trust to settle his accounts with the court, or with the ward, if he be of full age, or his legal representatives, and to pay over and deliver all the estate, moneys, and effects remaining in his hands, or due from him on such settlement, to the person who is lawfully entitled thereto. Upon filing the bond, duly approved, letters of guardianship must issue to the person appointed. In form the letters of guardianship must be substantially the same as letters of administration, and the oath of the guardian must be indorsed thereon that he will perform the duties of his office as such guardian according to law.

CHAPTER 123.

An act approving, confirming and declaring valid the organization of sanitary district number one, Marin county, California, heretofore organized under and by virtue of the provisions of an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting elections in such districts; the assessments, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891, under and by virtue of the provisions of an act entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter, the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 27, 1919, which reorganization was voted upon at a special election called and held for that purpose in said sanitary district number one on the fifteenth day of September 1919, and approving, confirming and declaring valid the annexation of certain

territory to said sanitary district number one voted upon at an election held the thirtieth day of August, 1920.

[Approved May 16, 1921. In effect July 29, 1921.]

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

Reorganiza-
tion of
sanitary
district
No. 1, Marin
county,
validated.

SECTION 1. The reorganization of sanitary district number one, Marin county, California, heretofore organized under and by virtue of the provisions of an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting elections in such districts; the assessments, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891, under the provisions of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter, the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 27, 1919 which reorganization was voted upon at a special election called and held for that purpose in said sanitary district number one on the fifteenth day of September, 1919, and the annexation of certain territory to said sanitary district number one voted upon at an election held on the thirtieth day of August, 1920 and all actions and proceedings of said sanitary district and the members and officers thereof, and of the board of supervisors of the county of Marin, State of California, in relation thereto, are hereby approved, confirmed and declared valid.

CHAPTER 124.

An act to add a new section to the Civil Code to be numbered six hundred two b, authorizing the amendment of articles of incorporation of corporations sole, and providing the manner thereof.

[Approved May 14, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Civil Code to be numbered six hundred two b, and to read as follows:

602b. The bishop, chief priest, presiding elder, or other incumbent of any corporation sole, incorporated under the laws of this state, may at any time amend the articles of incorporation of said corporation sole by changing the name of said corporation sole or the term of its existence or its territorial jurisdiction or the manner of filling any vacancy in the incumbency thereof, or by providing for any mode of administering the temporalities and property of said corporation sole during any vacancy in the incumbency thereof, or during the absence or disability of the incumbent, and may by amended articles of incorporation make provision for any act or thing for which provision is authorized in original articles of incorporation of corporations sole by any law of this state. In any amended articles of incorporation so filed, it shall be competent to ratify or confirm any change made prior to the enactment of this section in respect of any matter which it is herein provided may be the subject matter of amendment of articles of incorporation of a corporation sole.

Amendment
of articles of
incorporation
of corpora-
tions sole.

Amended articles of incorporation of a corporation sole shall be subscribed and verified by the affidavit of the incumbent of said corporation sole, and shall be filed in the office of the clerk of the county in which said incumbent resides.

CHAPTER 125.

An act to amend part two, title eleven, chapter twelve of the Code of Civil Procedure by adding thereto seventeen new sections, to be numbered and designated sections nine hundred twenty-seven to nine hundred twenty-seven p, inclusive, creating a small claims court, prescribing the procedure therein, and prescribing the method of appealing therefrom.

[Approved May 16, 1921. In effect July 29, 1921.]

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

SECTION 1. Part two, title eleven, chapter twelve of the Code of Civil Procedure is hereby amended by adding thereto seventeen new sections, to be numbered and designated sections nine hundred twenty-seven to nine hundred twenty-seven p, inclusive, to read as follows:

927. All justices of the peace shall exercise the jurisdiction conferred by this title and while sitting in the exercise of said jurisdiction shall be known and referred to as the small claims court; *provided*, that the jurisdiction of such justices court, when sitting as a small claims court, shall be confined to cases for the recovery of money only where the amount claimed does not exceed fifty (50) dollars and the defendant named is a resident of the township or city and county in which the action is to be maintained.

Small claims
courts.

Commence-
ment of
action.

927a. Actions shall be commenced, heard, and determined in the small claims courts under the provisions of this title whenever any person appears before any justice of the peace and executes an affidavit substantially in the form set forth in section nine hundred twenty-seven b of this title.

Affidavit.

927b. The affidavit mentioned in the last section shall be made on a blank substantially in the following form:

In the small claims court of _____, county of _____, State of California.

Plaintiff,

vs.

Defendant.

State of California,)
County of _____) ss.

-----, being first duly sworn, deposes and says: that the defendant is indebted to the plaintiff in the sum of \$-----; that this affiant has demanded payment of said sum; that the defendant refused to pay the same and no part thereof has been paid; that the defendant resides at -----, in the above named county; that this affiant resides at -----, county of ----- in the State of California.

Subscribed and sworn to before me this-----day of -----, 19-----.

Justice.

On the said affidavit shall be printed:

ORDER.

The people of the State of California, to the within named defendant, greeting:

You are hereby directed to appear and answer the within and foregoing claim at my office in-----, in-----
Name building or residence

county of-----, State of California, on the -----day of-----, 19--, at the hour of-----o'clock in the-----noon of said day; and to have with you, then and there, all books, papers, and witnesses needed by you to establish your defense to said claim.

And you are further notified that in case you do not so appear, judgment will be given against you for the amount of said claim as it is stated in said affidavit.

Dated this ----- day of -----, 19-----.

Justice of the peace.

Filing
affidavit.

927c. When the claimant appears he shall prepare such an affidavit as is set forth in section nine hundred twenty-six b of this title or, at his request, the judge of the court shall draft

the same for him. Upon the affidavit being sworn to by the claimant the justice shall file the same and make a true and correct copy thereof. At the same time the justice shall fill in the blanks in the order printed on said copy and sign the order. Immediately thereafter the said justice shall enclose said copy and order in an envelope, address the said envelope to the said defendant at the address so stated in said affidavit, prepay the postage and mail said envelope to said defendant by registered mail, and request a return receipt, or said justice may deliver personally, or cause to be delivered, said copy and order to the defendant in person. The justice shall then attach to the original affidavit the receipt for the registered letter and the return card thereon or other evidence of service.

927*d*. The date for the appearance of the defendant as provided in the order endorsed on the affidavit shall not be more than fifteen days nor less than five days from the date of the said order. When the justice has fixed the date for the appearance of the defendant he shall inform the plaintiff of said date and at the same time order the plaintiff to appear on said date and to have with him his books, papers, and witnesses necessary to prove his claim. Appearance of defendant.

927*e*. The justice shall enter in the docket kept by him as a justice of the peace: Entries in docket.

1. The title of every action;
2. The sum of money claimed;
3. The date of the order provided for in section nine hundred twenty-seven *b*, and the date of the trial as stated in said order;
4. The date when the parties appear, or their nonappearance if default be made;
5. Every adjournment, stating on whose application and to what time;
6. The judgment of the court and when returned;
7. A statement of any money paid to the justice, when, and by whom; and the date of the issuance of any abstract of the judgment.
8. The date of the receipt of a notice of appeal, if any be given, and of the appeal bond, if any be filed.

927*f*. No claim shall be filed or prosecuted in such small claims court by the assignee of such claim. Assignee of claim.

927*g*. No attorney-at-law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or at any other time. The justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just. Attorney not to appear.

927*h*. No formal pleading, other than the said claim and notice, shall be necessary and the hearing and disposition Informal pleadings.

of all such actions shall be informal, with the sole object of dispensing speedy justice between the parties. No attachment or garnishment shall issue from the small claims court, but execution may issue in the manner prescribed in chapter nine, Code of Civil Procedure of the State of California.

Payment of judgment.

927i. If the judgment or order be against the defendant, he shall pay the same forthwith or at such times and upon such terms and conditions as the justice shall prescribe.

Appeal by defendant.

927j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may, within five days from the entry of said judgment against him, appeal to the superior court of the county in which said court is held, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars (\$15).

Statement of defendant's appeal.

927k. The defendant's appeal may be taken by filing in the small claims court a statement substantially in the following terms:

In the small claims court of _____, county of _____, State of California.

Plaintiff.

vs.

Defendant.

Comes now the defendant and appeals from the judgment of the above entitled court in the above entitled action, to the superior court in and for the above named county and state.

Dated this _____ day of _____, 19__.

Appellant.

Bond of defendant.

927l. The statement mentioned in the last section shall be accompanied by a bond substantially in the following form:

In the small claims court of _____, county of _____, State of California.

Plaintiff,

vs.

Defendant.

Whereas the above entitled court in the above entitled action did on the _____ day of _____, 19__, enter judgment in favor of the plaintiff and against the defendant in the sum of \$ _____; and

Whereas the defendant is about to appeal to the superior court of the State of California in and for the above named county;

Now, therefore, the undersigned does undertake and promise that if said judgment is affirmed that then and in that

event the undersigned will pay said judgment and also fifteen dollars as an attorney fee to the said plaintiff on demand.

Dated this-----day of-----, 19--.

Surety.

State of California, }
City and county of-----} ss.

-----, the surety named in the above bond, being duly sworn, says that he is a-----holder and resident within said state and is worth the sums hereinabove mentioned, over and above all his debts and liabilities, exclusive of property exempt from execution.

Subscribed and sworn to before me this----- day of ----- 19--.

927m. If no appeal be taken by the defendant and the defendant fails to pay the judgment according to the terms and conditions thereof, the justice before whom such a hearing was had, shall, on application of the plaintiff, certify such judgment in substantially the following form: Abstract of judgment.

In the small claims court of-----, county of-----, State of California.

Plaintiff,

vs.

Defendant.

ABSTRACT OF JUDGMENT.

In the above entitled court and action on the----- day of -----, 19--, judgment was entered for plaintiff for \$-----; that no appeal from said judgment has been taken.

Dated this-----day of-----, 19--.

Justice of said court.

927n. The abstract may be filed in the office of the county clerk of the county in which the judgment was rendered, and the judgment docketed in the judgment docket of the superior court thereof. The date of the receipt of the abstract by the clerk must be noted by him thereon, and entered in the docket. Filing of abstract.

927o. The board of supervisors of every county wherein said small claims courts shall exist, shall furnish to every justice of the peace in such county a reasonable supply of various blank forms set forth in this title, also all forms, docket book and stationery necessary for the use of such justice sitting as a small claims court. Supervisors to supply forms.

927p. No fee or charge of any kind or nature shall be charged or collected by any officer for any service rendered under this title. But the justice may, in the manner provided by law, make a claim against the county to reimburse No fees to be charged.

Expenses
of justices.

him for moneys expended for postage stamps and registry charges of the post office department when the said justice was sitting as such small claims court; *provided*, that in those counties where the compensation of justices of the peace consists of fees allowed by law, the justice of the small claims courts may charge and collect the same fees which a justice of the peace may charge and collect and no others.

CHAPTER 126.

An act to amend section eight hundred sixty of the Code of Civil Procedure, relating to pleadings in justices' courts.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Answer to
amended
pleadings.

860. When a pleading is amended, the adverse party may answer or demur to it within such time, as the court may allow, not exceeding five days after notice of the amendment.

CHAPTER 127.

An act to amend section eight hundred seventy-two of the Code of Civil Procedure, relating to judgment by default in justices' courts.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Judgment
by default.

872. In the following cases the same proceedings must be had and judgment must be rendered in like manner as if the defendant had failed to appear and answer, or demur:

1. If the complaint has been amended, and the defendant fails to answer it, as amended, within the time allowed by the court;

2. If the demurrer to the complaint is overruled, and the defendant fails to answer within the time allowed by the court, not to exceed five days.

3. If the demurrer to the answer is sustained and the defendant fails to amend the answer within the time allowed by the court.

CHAPTER 128.

An act to amend sections nine hundred two and nine hundred five of the Code of Civil Procedure, relating to executions and proceedings supplementary thereto.

[Approved May 16, 1921. In effect July 20, 1921.]

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

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

902. The execution must be directed to the sheriff or to a constable of the county in which it is to be served, and must be subscribed by the justice and bear date the day of its delivery to the officer. It must intelligibly refer to the judgment, by stating the names of the parties, and the name of the justice before whom, and of the county and the township or city where, and the time when it was rendered; the amount of judgment, if it be for money; and, if less than the whole is due, the true amount due thereon. It must contain, in like cases, similar directions to the sheriff or constable, as are required by the provisions of title nine, part two, of this code, in an execution to the sheriff. Contents of execution.

SEC. 2. Section nine hundred five of the Code of Civil Procedure is hereby amended to read as follows:

905. The sections of this code, from seven hundred fourteen to seven hundred twenty-one, both inclusive, are applicable to justices' courts, the word "constable" being substituted, to that end, for the word "sheriff," whenever the writ is directed to a constable, and the word "justice" for "judge." If the judgment debtor does not reside in the county wherein the judgment was entered, an abstract of the judgment, in the form prescribed by section eight hundred ninety-seven, may be filed in the office of the justice of any town, township, or city wherein the defendant resides, and such justice may issue execution on such judgment, and may take and exercise such jurisdiction in proceedings supplemental to execution, as if such judgment were originally entered in his court. Proceedings supplementary to execution.

Where an execution issued by a justice of the peace is to be served out of the county in which it was issued, the execution shall have attached to it a certificate under seal, by the county clerk of such county to the effect that the person issuing the same was an acting justice of the peace of said county at the date of the writ. Thereafter such execution may be served and levied against any property in any county of the state by the sheriff or any constable therein, Service outside of county.

CHAPTER 129.

An act to amend section two hundred eighty-seven of the Civil Code relating to the continuance of existence of corporations.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Continuance
of corporate
existence.

Certificate
filed with
secretary
of state.

287. Any corporation existing on the first day of January, one thousand eight hundred seventy-three, formed under the laws of this state, and still existing, which has not already elected to continue its existence, under the provisions of this code applicable thereto, may, at any time hereafter, make such election by the unanimous vote of all its directors, or such election may be made at any annual meeting of the stockholders, or members, or at any meeting called by the directors expressly for considering the subject, if voted by stockholders representing a majority of the capital stock, or by a majority of the members, or may be made by the directors upon the written consent of that number of such stockholders or members. A certificate of the action of the directors, signed by them and their secretary, when the election is made by their unanimous vote, or upon the written consent of the stockholders or members, or a certificate of the proceedings of the meeting of the stockholders or members, when such election is made at any such meeting, signed by the chairman and secretary of the meeting and a majority of the directors, must be filed in the office of the secretary of state, and thereafter the corporation shall continue its existence under the provisions of this code which are applicable thereto, and shall possess all the rights and powers, and be subject to all the obligations, restrictions, and limitations prescribed thereby. The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated which copy shall be filed by said county clerk upon payment of the fee prescribed by law. A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every county in which said corporation has or holds real property. Any corporation which shall fail to comply with the requirements of the preceding sentence shall be subject to the penalties and liabilities provided in section two hundred ninety-nine for a failure of corporations to file copies of their articles of incorporation with the county clerks of the counties in which they shall purchase, hold or locate real property.

CHAPTER 130.

An act to amend sections two hundred ninety a, two hundred ninety-six, two hundred ninety-seven and two hundred ninety-nine of the Civil Code, relating to corporations.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

290a. Before any corporation, authorized in its articles of incorporation to conduct the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, or to engage in the business of banking, or of receiving the money of others on deposit, may file with the secretary of state its articles of incorporation, or a certificate of extension of its term of existence, or a certificate increasing or decreasing the number of its directors, or a certificate increasing or decreasing its capital stock, or its amended articles of incorporation, or its articles of incorporation and consolidation, there must be attached thereto the certificate of approval of the superintendent of banks; *provided*, that this section shall not apply to any corporation authorized to engage in the business of receiving and holding in escrow money or its equivalent pending investment in real estate or securities for or on account of its principal, or to act as trustee under deeds of trust given solely for the purpose of securing obligations for the repayment of money other than corporation bonds, nor shall such corporations be subject to the supervision of the superintendent of banks.

SEC. 2. Section two hundred ninety-six of the Civil Code is hereby amended to read as follows:

296. Upon filing the articles of incorporation in the office of the secretary of state, and the affidavit mentioned in the last section where such affidavit is required, the secretary of state must issue to the corporation, over the great seal of the state, a certificate that the original articles containing the required statement of facts have been filed in his office, and thereupon the persons signing the articles and their associates and successors shall be a body politic and corporate by the name stated in the certificate, and for the term of fifty years, unless it is, in the articles of incorporation, otherwise stated, or in this code otherwise specially provided; *provided, however*, that no corporation shall be authorized to transact any business until it shall have filed in the office of the county clerk of the county in which its principal business is to be transacted, a copy of its articles of incorporation certified by the secretary of state; *provided, further*, that the secretary of state shall

Certificate of approval of superintendent of banks.

Secretary of state to issue certificate of incorporation.

not file the original articles of incorporation, or issue any certified copy thereof, or issue any certificate of incorporation to any corporation, which articles set forth the corporate name of any corporation heretofore organized in this state, or which articles set forth a name so closely resembling the name of such corporation as will tend to deceive.

SEC. 3. Section two hundred ninety-seven of the Civil Code is hereby amended to read as follows:

Copy of
articles
prima facie
evidence.

297. A copy of any articles of incorporation filed in pursuance to this chapter, and certified by the secretary of state, must be received in all the courts of this state, and other places, as prima facie evidence of the facts therein stated.

SEC. 4. Section two hundred ninety-nine of the Civil Code is hereby amended to read as follows:

Filing copy
of articles
with county
clerk

299. No corporation hereafter formed must purchase, locate, or hold property in any county in the state, without filing a certified copy of its articles of incorporation filed in the office of the secretary of state with the county clerk of the county in which such property is situated, within sixty days after such purchase or location is made. Every corporation now existing whether formed under the provisions of this code or not, must, within ninety days after the passage of this section, file a copy of the copy of its articles of incorporation filed in the office of the secretary of state, duly certified by the secretary of state in the office of the county clerk of every county in the state in which it holds any property, except where certified copies have heretofore been filed, or where original articles are on file under an act in force at the time of filing thereof; and if any corporation hereafter acquires any property in a county other than that in which it holds property, it must within ninety days thereafter file with the clerk of said county, such certified copy of the copy of its articles of incorporation, or if incorporated after the passage hereof, a certified copy of the original articles of incorporation filed in the office of the secretary of state. The copies filed with the several county clerks, have the same force and effect in evidence as the originals. Any corporation failing to comply with the provisions of this section can not maintain or defend any action or proceeding in relation to such property, its rents, issues, or profits, until such certified copy of its articles of incorporation are filed at the places directed by the general law and this section; *provided*, that all corporations are liable in damages for any and all loss that may arise by the failure of such corporation to perform any of the foregoing duties within the time mentioned in this section; *and provided, further*, that the said damages may be recovered in an action brought in any court of this state of competent jurisdiction, by any party or parties suffering the same.

SEC. 5. Section three hundred sixty-one of the Civil Code is hereby amended to read as follows:

361. Any corporation or association may increase or diminish the number of its directors or trustees by the vote or written assent of stockholders representing a majority of its subscribed capital stock, or, if it has no capital stock, by the vote or written assent of a majority of the members. A certificate over the corporate seal, setting forth the action taken by the stockholders, or members, and stating the new number of directors, shall be signed by the president and secretary of such corporation or association, and filed in the office of the secretary of state whereupon the number of directors or trustees shall be changed as stated in said certificate. The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated which copy shall be filed by said county clerk upon payment of the fee prescribed by law. A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every county in which said corporation has or holds real property. Any corporation which shall fail to comply with the requirements of the preceding sentence shall be subject to the penalties and liabilities provided in section two hundred ninety-nine for a failure of corporations to file copies of their articles of incorporation with the county clerks of the counties in which they shall purchase, hold or locate real property. This section shall apply to all corporations existing under the laws of the State of California, whether organized and incorporated prior to the enactment of this code, or subsequent thereto.

Changing
number
of directors.

CHAPTER 131.

An act to amend section three hundred fifty-nine of the Civil Code, relating to the issuance of stock or bonds creating or increasing bonded indebtedness or increasing or diminishing the capital stock of corporations.

[Approved May 16, 1921. In effect July 29, 1921.]

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

SECTION 1. Section three hundred fifty-nine of the Civil Code is hereby amended to read as follows:

359. No corporation shall issue stocks or bonds except for money paid, labor done or property actually received, and all fictitious increase of stock or indebtedness is void. Every corporation may increase or diminish its capital stock, and every corporation, or two or more corporations, may create or increase its or their bonded indebtedness, subject to the following provisions:

Fictitious
increase of
stock void.

How capital stock may be increased or diminished.

1. The capital stock of a corporation may be increased or diminished at a meeting of the stockholders by a vote representing at least two-thirds of the subscribed or issued capital stock, or in the manner otherwise in this section provided; when by meeting as aforesaid, then such meeting must be called by the board of directors or trustees, and notice must be given by publication in a newspaper published in the county or city and county where the principal place of business of the corporation is located, or if there be none published in said county or city and county, then in a newspaper published in an adjoining county, or city and county, such paper to be designated by the board of directors or trustees in the order calling for the meeting; *provided, however*, that where the articles of incorporation provide for two or more kinds of capital stock, no increase or reduction of capital stock shall be made without the assent of two-thirds of all the subscribed stock, and in making such increase or reduction, the assent shall identify the particular class or classes of stock to be increased or reduced, and the amounts apportioned to each.

What notice must specify.

2. The notice must specify the object of the meeting and the amount to which it is proposed to increase or diminish the capital stock, the time and place of holding the meeting, which latter must be at the principal place of business of the corporation and at the building where the board of directors or trustees usually meet. The notice herein provided must be published once a week for at least sixty days. The capital stock can not be diminished to an amount less than the indebtedness of the corporation.

Creation or increase of bonded indebtedness.

3. The bonded indebtedness of a corporation may be created or increased by a vote of the stockholders representing at least two-thirds of the subscribed or issued capital stock at a meeting called by the board of directors or trustees, and after notice of the time and place of the meeting published in the same manner and for the time prescribed, which notice shall state the amount of the bonded indebtedness which it is proposed to create, or the amount to which it is proposed to increase such indebtedness, and shall in all other respects contain the same matters as are above provided and set forth in the notice of meeting to increase or diminish the capital stock; or such original creation of bonded indebtedness may be made as otherwise in this section provided.

Notice to stockholders.

4. In addition to the notice by publication, when proceedings are to be had hereunder at a meeting of stockholders, the secretary of the corporation shall also address a notice to each of the stockholders whose names appear on the company's books as sufficiently addressed or identified, at his place of residence, if known, and if not known, then at the place in which the principal place of business of the corporation is situate, which notice shall be so mailed to such stockholders at least thirty days before the day appointed for such meeting.

5. In lieu of such call for meeting of stockholders and of such notice and publication of the same and of a stockholders' meeting held in pursuance thereof and of said vote thereat representing at least two-thirds of the subscribed capital stock, any corporation may diminish its capital stock and also originally create its bonded indebtedness by a resolution adopted by the unanimous vote of its board of directors or trustees at a regular meeting or at a special meeting called for that purpose and approved by the written assent or assents of the stockholders holding two-thirds of the subscribed or issued capital stock, which assent or assents must be filed with the secretary of the corporation; but the secretary of the corporation must address by mail, postage fully prepaid, a copy of such resolution to each of the stockholders whose names appear upon the company's books as sufficiently addressed or identified, at his place of residence, if known, and if not known, then at the place in which the principal place of business of the corporation is situate, which notice shall be so mailed to each stockholder at least thirty days before the certificate hereinafter provided is made and signed or filed, as hereinafter provided, and within that time any stockholder may file with such secretary his dissent in writing; but it is further provided, that if at any time within said thirty days such written assent or assents of the stockholders holding all of the subscribed or issued capital stock be so filed with the secretary, then and at once and without further delay the certificate hereinafter provided for may be so made, signed and filed as hereinafter provided and with the same effect, but such capital stock can not be diminished to an amount less than the indebtedness of the corporation, and no increase of capital stock or bonded indebtedness can be made, except at a meeting of the stockholders as in this section provided.

Directors
may
diminish
stock and
increase
indebtedness.

6. Any two or more corporations may by a separate compliance by each corporation with the provisions of this section applicable in the premises in respect to creating or increasing bonded indebtedness, create or increase a consolidated bonded indebtedness of such corporation, to be binding, jointly and severally on such corporations, and which may be secured by a consolidated mortgage or deed of trust executed by all such corporations, mortgaging or conveying in trust all or any of the properties of all such corporations, acquired or to be acquired.

Consolidated
indebtedness.

7. Upon such increase or diminution of the capital stock or creation or increase of the bonded indebtedness being made in accordance with the provisions of this section there shall be made, if proceedings are had under the provisions first, second, third and fourth above, a certificate under the corporate seal and signed by the president and secretary of the corporation or of each corporation acting in the premises and a majority of the directors or trustees of such corporation, or each corporation so acting, showing a compliance by such corporation, or each corporation so acting, with the requirements of said

Certificate of
increase or
diminution.

last named subdivisions and the amount to which the capital stock has been increased or diminished and the number of shares into which the capital stock, as increased or diminished, is to be divided and the par value thereof or the amount of the bonded indebtedness created, or to which the bonded indebtedness may have been increased, and the amount of stock represented at the meeting and the total vote in the affirmative by which the same was accomplished and the total vote in the negative; or if such proceedings be had and taken under subdivision fifth of this section as to diminution of capital stock or original creation of bonded indebtedness a like certificate shall be made and sealed and signed as aforesaid, showing a compliance by such corporation, and by each corporation acting in the premises, with the requirements of said subdivision fifth, and the amount to which the capital stock has been diminished and the number of shares into which the capital stock, as diminished, is to be divided and the par value thereof or the amount of bonded indebtedness so originally created, and the total amount of the stock represented by the said written assent or assents so filed with the secretary and the total amount of stock represented by the said written dissent or dissents so filed. In case of a consolidated bond of indebtedness each corporation which is a party thereto shall cause to be made and signed and sealed and verified and filed, as in this section provided, a separate certificate.

Contents of
certificate.

8. In all cases the certificate shall state the total number of subscribed or issued shares of the capital stock of the corporation, or of each corporation respectively acting in the premises, and shall be verified by the oath of the said president and secretary, or of the said respective presidents and secretaries. Such consolidated bonded indebtedness may be created or increased to an amount equal to the par or face value of the aggregate amount of the subscribed or issued capital stocks of said two or more corporations, but shall not exceed such aggregate amount. In each and every case the certificate must be filed in the office of the secretary of state, and thereupon the capital stock shall be so increased or diminished, or the bonded indebtedness or consolidated bonded indebtedness shall be created or increased accordingly. The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated which copy shall be filed by said county clerk upon payment of the fee prescribed by law. A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every county in which said corporation has or holds real property. Any corporation which shall fail to comply with the requirements of the preceding sentence shall be subject to the penalties and liabilities provided in section two hundred ninety-nine for a failure of corporations to file copies

Filed with
secretary
of state.

of their articles of incorporation with the county clerks of the counties in which they shall purchase, hold or locate real property; and such certificate or certificates so filed shall be, when said certified copy or copies are so filed, conclusive proof of such increase or diminution of capital stock or such creation or increase of bonded or consolidated bonded indebtedness and the validity of each thereof. When the by-laws of a corporation prescribe the paper in which notices of meetings of directors or trustees or stockholders are to be published the notices or publication herein provided for shall be published in such paper, unless publication thereof shall have ceased.

CHAPTER 132.

An act to amend section six hundred five of the Civil Code, relating to religious, social, and benevolent corporations.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

605. Any corporation now or hereafter organized for purposes other than profit may consolidate with any other like association or associations, or corporation or corporations, created either under the laws of the State of California, or under the laws of any other state or territory, so as to form a new or consolidated corporation, in such manner as may be authorized by the respective boards of directors or trustees of such associations or corporations by resolution adopted at meetings of the respective boards called for that purpose. The resolution to be adopted by each of the respective boards shall state the names of all the corporations or associations to be united by the consolidation, the name of the state or territory under the laws of which they are created or organized, and the dates of their respective incorporation, the name by which the new or consolidated corporation is to be called or known, the purposes for which it is to be formed, the place where its principal business is to be transacted, the term for which it is to exist, the number of its directors or trustees, and the names and residences of those who are appointed to act as such for the first year, and shall designate three or more persons by whom articles of incorporation of the new or consolidated corporation shall be subscribed and filed in compliance with this section. Articles of incorporation of the new or consolidated corporation shall be subscribed and acknowledged by the persons so designated as last aforesaid in the manner required by section two hundred ninety-two of this code. Said articles shall contain and set forth all the matters required by section two hundred ninety of this code, and in

Consolidation of corporations not organized for profit.

Articles
filed with
secretary
of state.

addition thereto there shall be attached to said articles copies of the aforesaid resolution of the several associations or corporations uniting in the consolidation, certified by the respective secretaries of such associations or corporations under the corporate seal thereof; and the said articles of incorporation shall in the body thereof refer to the said resolutions and to the certified copies thereof so attached, and by such reference make the said certified copies a part of the said articles. The said articles of incorporation shall be filed in the office of the secretary of state and thereupon the secretary of state shall issue to the corporation, over the great seal of the state, a certificate in manner and form as provided by section two hundred ninety-six of this code. From and after the filing of such articles of incorporation with the secretary of state the former associations or corporations uniting in the consolidation and comprising the component parts of the new or consolidated corporation shall cease to exist, and the new or consolidated corporation shall succeed to all the rights, duties and powers of the component associations or corporations, and shall be possessed of all the rights, duties and powers set forth in its articles of incorporation not inconsistent with this title, and shall be subject to all the liabilities and obligations of the former component associations or corporations, and shall succeed to and become vested with all the property thereof, both real and personal, of every name and nature, and may make by-laws and do all things permitted by this title; *provided, however*, that no corporation shall be authorized to transact any business until it shall have filed in the office of the county clerk of the county in which its principal business is to be transacted, a copy of its articles of incorporation certified by the secretary of state.

CHAPTER 133.

An act to amend section four hundred one of the Civil Code, relating to extension of corporate existence, how made.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Extension
of corporate
existence.

401. Every corporation heretofore or hereafter formed, and existing under the laws of this state, may at any time prior to the expiration of the term of its corporate existence extend such term to a period not exceeding fifty years from the date of such extension. Such extension may be made at any meeting of the stockholders, or members, called by the directors especially for considering the subject, if voted for by stockholders representing two-thirds of the capital stock; or by two-

thirds of the members where there is no capital stock; or may be made upon the written assent of two-thirds of the members or of stockholders representing two-thirds of the capital stock. A certificate of such vote or assent bearing the corporate seal and signed and sworn to by the president and secretary and by a majority of the directors of the corporation, shall be filed in the office of the secretary of state and thereupon the term of existence of the corporation shall be extended for the period specified in such certificate. The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated which copy shall be filed by said county clerk upon payment of the fee prescribed by law. A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every county in which said corporation has or holds real property. Any corporation which shall fail to comply with the requirements of the preceding sentence shall be subject to the penalties and liabilities provided in section two hundred ninety-nine for a failure of corporations to file copies of their articles of incorporation with the county clerks of the counties in which they shall purchase, hold or locate real property. The fees for certifying such certificate and filing the same and the certified copy thereof, shall be the same as those prescribed by law for certifying and filing articles of incorporation in such cases. In no event shall such extensions be construed to prolong or extend the duration of any franchise or privilege heretofore granted to any corporation or joint stock company by special legislative act, or by the municipal authorities of any county, city, city and county, town or other political subdivision of this state, beyond the term fixed by the provisions of the act, ordinance or resolution conferring such privilege or franchise, or beyond the term fixed for the maximum period of existence of such corporation or joint stock company by laws in force and governing the formation and organization thereof at the time such corporation or joint stock company was formed or organized.

Certificate
filed with
secretary
of state.

CHAPTER 134.

An act to amend section three hundred sixty-two and section six hundred forty-eight a of the Civil Code, relating to the amendment of articles of incorporation, and filing thereof.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Amendment
of
articles of
incorpora-
tion.

362. Any corporation organized under the laws of this state may amend its articles of incorporation for any or all of the following purposes:

(1) To set forth a new name.

(2) To alter or repeal any provision appearing in its original or amended articles of incorporation relative to the purposes for which the corporation is formed, or to set forth, additional powers or purposes.

(3) To designate a principal place of business other than the place designated in its original or amended articles of incorporation.

(4) To state the date to which its existence has been extended.

(5) To state the number of its directors, as increased or diminished.

(6) To state the amount of its capital stock as increased or diminished and the number of shares and the par value thereof, or to change the number of shares and their par value or to provide for the classification of its capital stock into preferred and common shares, in which event there must be set forth a statement of the number of shares of stock to which preference is granted and the number of shares of stock to which no preference is granted, also a clear and succinct statement of the nature and extent of the preference granted, and except as to the matters and things so stated, no distinction shall exist between said classes of stock or the owners thereof; *provided, however,* that no preference shall be granted nor shall any distinction be made between the classes of stock either as to voting power or as to the statutory or constitutional liability of the holders thereof to the creditors of the corporation; *and provided, further,* that both the preferred and common shares shall be of the same par value.

(7) To change the statement appearing in its original or amended articles of incorporation of the nature and extent of such preference, subject to the above limitations.

(8) And generally to provide for any other amendment not contrary to law. The articles of incorporation may be amended as aforesaid by a majority vote of the board of directors of the corporation and by the vote or written assent

of the holders of at least two-thirds of the subscribed capital stock of such corporation, or if the corporation has no capital stock then by a majority vote of its board of directors and by the vote or written assent of a majority of the members. Upon the adoption of amended articles of incorporation, a copy of the articles as thus amended shall be certified to as correct by the president and secretary and a majority of the directors of the corporation and the corporate seal of such corporation shall be affixed to the certificate. Such certificate shall also set forth the proceedings by virtue of which the amended articles were adopted, which proceedings must be in accordance with the provisions of this section above set forth. The copy of amended articles of incorporation thus certified, shall be filed in the office of the secretary of state, whereupon such corporation shall have the same powers and the stockholders thereof shall thereafter be subject to the same liabilities as if such amendment had been embraced in the original articles of incorporation. The secretary of state shall forthwith issue a certified copy of said amended articles of incorporation and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated, which copy shall be filed by said county clerk upon payment of the fee prescribed by law. A copy of such amended articles of incorporation certified by the secretary of state, shall be filed in the office of the county clerk of every other county in which such corporation has or holds real property. Any corporation which shall amend its articles of incorporation and shall fail to file copies of its amended articles, as required by the preceding sentence, shall be subject to the penalties and liabilities provided in section two hundred ninety-nine for a failure of corporations to file copies of their articles of incorporation in the office of the county clerks of the counties in which they shall purchase, hold, or locate property. Nothing contained in this section must be construed to cure or amend any defect existing in the original articles of incorporation, where such defect is of such character as to render such original articles invalid. And it is hereby expressly provided that no corporation shall amend its articles of incorporation to alter the statements which appear in the original articles, of the names and residences of the first directors or the statements which appear in such originals, of the amount of capital stock subscribed and by whom. Nothing appearing herein shall be construed as permitting a corporation to change its name or its principal place of business, extend or reduce its term of existence, or increase or diminish its number of directors or its capital stock, by amending its articles of incorporation.

Amended
articles
filed with
secretary of
state.

SEC. 2. Section six hundred forty-eight *a* of the Civil Code is hereby amended to read as follows:

Formation
of
building
and
loan
associations.

648*a*. Building and loan associations may be formed under this title with or without guarantee or other capital stock, with all the rights, powers and privileges and subject to all the restrictions and liabilities set forth in this title. If formed without any capital stock or with guarantee capital stock only, the working capital may be accumulated by the issue of membership shares, units or certificates having a paid-up or ultimate matured installment value of one hundred or two hundred dollars each, and entitled to all the rights, powers and privileges and subject to all the restrictions and liabilities provided in this title for shares of authorized capital stock of a similar class. Any building and loan association heretofore formed may reincorporate under the provisions of this section and may substitute membership shares, units or certificates of similar classes for its outstanding or authorized shares of capital stock, other than guarantee capital stock by amending its articles of incorporation in the manner prescribed by section three hundred sixty-two of this code, except that such amended articles of incorporation must be adopted by a unanimous vote of the board of directors.

CHAPTER 135.

An act to amend section one thousand six hundred of the Code of Civil Procedure, relating to estates of decedents.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Decree
authorizing
conveyance.

1600. If after a full hearing upon the petition and objections and examination of the facts and circumstances of the claim, the court is satisfied that the conveyance of the real estate described in the petition to the party entitled thereto should be made, a decree authorizing and directing the executor or administrator to execute a conveyance thereof to the party entitled thereto must be made.

CHAPTER 136.

An act to add a new chapter to title two of part three of division first of the Civil Code, to be numbered chapter three, embracing section two hundred thirty-one, relating to actions to determine parental relation.

[Approved May 14, 1921. In effect July 29, 1921.]

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

CHAPTER III.

DECLARATION OF PARENTAL RELATION.

SECTION 1. A new chapter to be numbered chapter three is hereby added to title two of part three of division first of the Civil Code of California, relating to declaration of parental relation, and to read as follows:

231. An action may be brought for the purpose of having declared the existence or nonexistence between the parties of the relation of parent and child, by birth or adoption.

Action to determine parental relation.

CHAPTER 137.

An act to amend section one thousand three hundred seventy-three of the Code of Civil Procedure, relating to notice of petitions for letters of administration.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

1373. When a petition praying for letters of administration is filed, the clerk of the court must set the petition for hearing by the court, and give notice thereof by causing notices to be posted in at least three public places in the county, one of which must be at the place where the court is held, containing the name of the decedent, the name of the applicant, and the time at which the application will be heard. Such notice must be given at least ten days before the hearing. The clerk shall cause similar notice to be mailed, postage prepaid, to the heirs of the decedent, named in the petition, at least ten days before the hearing, addressed to them at their respective post-office addresses, as set forth in the petition, otherwise at the county seat of the county where the proceedings are pending.

Notice of petition for letters of administration.

CHAPTER 138.

An act to amend section one thousand three hundred eighty-nine of the Code of Civil Procedure, relating to bonds of executors and administrators.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Additional
bonds of
executors
and
adminis-
trators.

1389. The superior court, or a judge thereof, must require an additional bond before a sale of any real estate belonging to an estate is confirmed; but no such additional bond must be required when it satisfactorily appears to the court that the penalty of the bond given before receiving letters, or of any bond given in place thereof, is equal to twice the value of the personal property remaining in, or that will come into, the possession of the executor or administrator, including the annual rents, profits and issues of real estate, and twice the amount to be received from such sale.

CHAPTER 139.

An act to amend section one thousand seven hundred forty-seven of the Code of Civil Procedure, relating to notice of petitions for letters of guardianship.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Appoint-
ment of
guardians.

1747. The superior court of each county, when it appears necessary or convenient, may appoint guardians for the persons and estates, or either of them, of minors who have no guardian legally appointed by will or deed, and who are inhabitants or residents of the county, or who reside without the state and have estate within the county. Such appointment may be made on the petition of a relative or other person on behalf of the minor, or on the petition of the minor, if fourteen years of age. Before making such appointment, the court must cause such notice as such court deems reasonable to be given to any person having the care of such minor, and to such relatives of the minor residing in the county as the court may deem proper. In all cases notice must be given to the parents of the minor or proof made to the court that

their addresses are unknown, or that, for other reason, such notice can not be given. In all such proceedings, when it appears to the satisfaction of the court, either from a verified petition, or from affidavits, that the welfare of the minor will be imperiled if such minor is allowed to remain in the custody of the person then having the care of such minor, the court may make an order providing for the temporary custody of such minor until a hearing can be had on such petition; and when it appears to the court that there is reason to believe that such minor will be carried out of the jurisdiction of the court before which the application is made, or will suffer some irreparable injury before compliance with such order providing for the temporary custody of such minor can be enforced, such court may at the time of making such order providing for the temporary custody of such minor cause a warrant to be issued, reciting the facts, and directed to the sheriff, coroner, or constable of the county, commanding such officer to take such minor from the custody of the person in whose care such minor then is and place such minor in custody in accordance with the order of the court.

CHAPTER 140.

An act to amend section one thousand seven hundred sixty-five of the Code of Civil Procedure, relating to guardians of incompetent persons.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

1765. Every guardian appointed, as provided in the preceding section, has the care and custody of the person of his ward and the management of all his estate, or the care and custody of the person of his ward or the management of all his estate, according to the order of appointment, until such guardian is legally discharged, and he must give bond to such ward in like manner and with like conditions as before prescribed with respect to the guardian of a minor. An appeal from the order of appointment shall stay the power of the guardian, except that, for the purpose of preventing injury or loss to person or property, the court making the appointment may direct the exercise of the powers of the guardian, from time to time, as though no appeal were pending, and all acts of the guardian pursuant to such directions shall be valid, irrespective of the result of the appeal.

Guardians of
incompetent
persons.

CHAPTER 141.

An act to amend section one thousand two hundred thirty-eight of the Code of Civil Procedure, relating to eminent domain.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Right of eminent domain.

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

Uses of United States.

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States.

Uses of State.

2. Public buildings and grounds for the use of the state, or any state institution, and all other public uses authorized by the legislature of the state.

Public utilities, counties, cities, etc.

3. Any public utility, and public buildings and grounds, for the use of any county, incorporated city, or city and county, village, town or school districts, ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches or pipes, lands, water system plants, buildings, rights of any nature in water, and any other character of property necessary for conducting or storing or distributing water for the use of any county, incorporated city, or city and county, village or town or municipal water district, or the inhabitants thereof, or any state institution, or necessary for the proper development and control of such use of said water, either at the time of the taking of said property, or for the future proper development and control thereof, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, highways, boulevards, streets and alleys; public mooring places for water craft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

Wharves, bridges, ferries, etc.

4. Wharves, docks, piers, warehouses, chutes, booms, ferries, bridges, tollroads, byroads, plank and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation, public

transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and water, water rights, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation of lands furnished with water by corporations supplying water to the lands of the stockholders thereof only, and lands with all wells and water therein adjacent to the lands of any municipality or of any corporation, or person supplying water to the public or to any neighborhood or community for domestic use or irrigation.

5. Roads, tunnels, ditches, flumes, pipes, aerial and surface tramways and dumping places for working mines; also outlets, natural or otherwise for the flow, deposit or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines. Roads, flumes, etc., for mines.

6. Byroads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes. Byroads.

7. Telegraph and telephone lines, systems and plants. Telegraph.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any buildings belonging to the state, or to any college or university, also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village. Sewerage.

9. Roads for transportation by traction engines or road locomotives. Roads.

10. Oil pipe lines. Pipe lines.

11. Railroads, roads and flumes for quarrying, logging or lumbering purposes. Railroads.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes and outlets natural or otherwise for supplying, storing, and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages or towns; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations; together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth. Canals.

13. Electric power lines, electric heat lines, electric light lines, electric light, heat and power lines, and works or plants, lands, buildings or rights of any character in water, or any other character of property necessary for the generation, transmission or distribution of electricity for the purpose of fur- Power lines.

nishing or supplying electric light, heat or power to any county, city and county or incorporated city or town, or the inhabitants thereof, or necessary for the proper development and control of such use of such electricity, either at the time of the taking of said property, or for the future proper development and control thereof.

Cemeteries.

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

Abstract
and title
companies.

15. The plants, or any part thereof or any record therein of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of such persons, firms or corporations, or which are used by them in their respective businesses; *provided, however*, that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purpose of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; *and provided, further*, that such right shall be exercised only by the city, city and county, county or municipality, whose records, or part of whose records, have been, or may be, so lost or destroyed.

Fairs.

16. Expositions or fairs in aid of which the granting of public moneys or other things of value has been authorized by the constitution.

Gas
works, etc.

17. Works or plants for supplying gas, heat, refrigeration or power to any county, city and county, or incorporated city or town, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use or operate machinery, appliances, works and plants for the purpose of generating, transmitting and distributing the same and rights of any nature in water, or property of any character necessary for the purpose of generating, transmitting and distributing the same, or necessary for the proper development and control of such use of such gas, heat, refrigeration, or power, either at the time of the taking of said property, or for the future proper development and control thereof.

Trees
along
highways.

18. Standing trees and ground necessary for the support and maintenance thereof, along the course of any highway within a maximum distance of three hundred feet on each side of the center thereof; and ground for the culture and growth of trees along the course of any highway within a maximum distance of three hundred feet on each side of the center thereof.

CHAPTER 142.

An act directing the commission of immigration and housing to investigate and propose legislation for the acquisition and building of homes for workingmen, with the financial assistance of the State of California.

[Approved May 16, 1921. In effect July 29, 1921.]

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

SECTION 1. The commission of immigration and housing is hereby directed to investigate the practicability of the State of California assisting workingmen to acquire and build homes, and to report to the next session of the legislature a bill or bills embodying a plan and the method of carrying it out whereby, with the assistance of the state, workingmen may acquire lots of ground and build houses thereon, such lots and houses to become homesteads and to be sold on the installment plan.

Investigation of plan to build homes for workingmen.

CHAPTER 143.

An act to amend section one thousand one hundred fifty-eight of the Civil Code, relating to instruments that may be recorded.

[Approved May 14, 1921. In effect July 29, 1921.]

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

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

1158. Any instrument or judgment affecting the title to or possession of real property may be recorded under this chapter; *provided, however,* that deeds or grants conveying to a political corporation or governmental agency real estate, or any interest therein, or easements thereon, for public purposes shall not be accepted for recordation without the consent of the grantee, evidenced by its resolution of acceptance attached to such deed or grant.

Recording deeds conveying to a political corporation.

CHAPTER 144.

An act to amend section one thousand one hundred eighty-four of the Code of Civil Procedure, relating to the retention of moneys due and to become due to contractors.

[Approved May 16, 1921. In effect July 29, 1921.]

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

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

Notice to
owner of
labor
performed
and
materials
furnished.

1184. Any of the persons mentioned in the preceding section, except the contractor, and all persons, firms and corporations, excluding the contractor, performing work or furnishing materials, or both, upon any public improvement, including highways, streets, wagon roads, viaducts or sewers, may at any time, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of section one thousand one hundred eighty-seven of this code, give to the owner a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter. Such notice must be verified by the claimant, or by some person acting in his behalf, and may be given by delivering the same to said owner personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, if any; *provided, however,* that in all cases in which said work is being done under a contract with the state, or with any public board, commission, or officer thereof, or with any political subdivision thereof, such notice must be filed, within said time, in the office of the controller, auditor or other public disbursing officer whose duty it is to make payments under the provisions of such contract or with the commissioner, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom the contract for the improvement was awarded. No such notice shall be invalid by reason of any defect in form, provided it is sufficient to inform the owner of the substantial matters herein provided for. Upon such notice being given it shall be lawful for the owner to withhold, and in the case of property which, for reasons of public policy or otherwise, is not subject to liens in this chapter provided for, the owner or person who contracted with

the contractor, shall withhold from his contractor sufficient money, and bonds, where bonds are to be issued in lieu of money, by the political subdivision which contracted for said work, due or that may become due to such contractor to answer such claim and any lien that may be filed therefor, including the reasonable cost of any litigation thereunder.

The word "owner" as used in this section, includes the state or any public board, commission or officer thereof, or any political subdivision thereof, whether the said work be done by or under the direction of said state, public board, commission or officer thereof, or any political subdivision thereof.

"Owner"
defined.

CHAPTER 145.

An act to amend section one thousand seven hundred two of the Code of Civil Procedure, relating to appointment of trustees.

[Approved May 16, 1921. In effect July 23, 1921.]

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

SECTION 1. Section one thousand seven hundred two of the Code of Civil Procedure, relating to appointment of trustees, is hereby amended to read as follows:

1702. Any person named or designated as a trustee in any will which has been or shall hereafter be admitted to probate in this state may, at any time before final distribution, decline to act as such trustee, and an order of court shall thereupon be made accepting such resignation; but the declination of any such person who has qualified as trustee shall not be accepted by the court, unless the same shall be in writing and filed in the matter of the estate in the court in which the administration is pending, and such notice shall be given thereof as is required upon a petition praying for letters of administration. The court in which the administration is pending shall have power at any time before final distribution to appoint some fit and proper person to fill any vacancy in the office of trustee under the will, whether resulting from such declination, removal, or otherwise; *provided*, it shall be required by law or necessary to carry out the trust created by the will, that such vacancy shall be filled; and every person so appointed shall, before acting as trustee, give a bond such as is required by section one thousand three hundred eighty-eight of this code, of a person to whom letters of administration are directed to issue. Such appointment may be made by the probate judge upon the written application of any person interested in the trust filed in the probate proceedings, and shall only be made after notice to all parties interested in the trust, given in the same manner as notice is required to

Trustee
may
decline
to act.

Appointment
to vacancy.

be given of the hearing upon the petition for the probate of a will. In each of the preceding cases the court may order such further notice as shall seem necessary. In accepting a declination under the provisions of this section, the court may make and enforce any order which may be necessary for the preservation of the estate. This section shall be applicable to any and all estates now pending in which a final distribution and discharge has not been granted.

CHAPTER 146.

An act to validate municipal bonds, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.

[Approved May 16, 1921. In effect July 29, 1921.]

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

Municipal
bonds
validated.

SECTION 1. Where in any municipal corporation, proceedings have been taken for the purpose of issuing and selling bonds of such municipal corporation, for any purpose or purposes, all such acts and proceedings leading up to and including the issuance of such bonds, if they have heretofore been sold, and all such acts and proceedings heretofore had, although the bonds are not yet sold, are hereby legalized, ratified, confirmed and declared validated to all intents and purposes, and the power of said municipal corporation and of the legislative body thereof, to issue such bonds, is hereby ratified, confirmed and declared, and the bonds already sold are declared to be, and the bonds hereafter sold shall be, the legal and binding obligation of and against the municipal corporation, having heretofore issued or hereafter issuing such bonds, and the faith and credit of such municipal corporation is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Tax to pay
interest
and
principal.

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

falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

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

CHAPTER 147.

An act to add a new section to the Penal Code to be numbered three hundred eighty-four a, providing for the protection of the Toyon or Christmas red-berry and prescribing penalties for violations of the provisions thereof.

[Approved May 14, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered three hundred eighty-four a, and to read as follows:

384a. Any person, firm or corporation is guilty of a misdemeanor— Protection
of red
berries.

(a) Who mutilates or destroys any Toyon or Christmas red-berry tree (*Heteromeles arbutifolia*) growing on public or private land, unless, in the case of private land, the owner gives his consent thereto; or

(b) Who sells, offers, or exposes for sale any Toyon or Christmas red-berry (*Heteromeles arbutifolia*) or any part thereof grown on land in this state; *provided*, that this paragraph shall not prevent the sale of such Christmas red-berry taken from privately owned land, by, or with the consent in writing of the owner of the land.

CHAPTER 148.

An act to amend section one thousand two hundred seventy-four a of the Code of Civil Procedure, relating to unclaimed property and the escheat thereof.

[Approved May 14, 1921. In effect July 29, 1921.]

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

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

Deposit of
unclaimed
property.

1274a. All money or other property distributed in the administration of an estate of a decedent and heretofore or hereafter deposited with a county treasurer to the credit of the distributee, must be forthwith delivered into the state treasury by the county treasurer upon the expiration of one year from the date of such deposit. Money so deposited in the state treasury may be recovered by the person or persons entitled thereto, upon the conditions herein prescribed, in the manner provided in section one thousand six hundred ninety-six of this code.

Proceeding
to vest
title in
state.

Money or other property so deposited in the state treasury, if not claimed by the person or persons entitled thereto within five years from the date of such deposit, shall become the property of the State of California by escheat, and the attorney general shall commence a proceeding on behalf of the state in the superior court for Sacramento county, in accordance with this title, to have it adjudged that the title to such property has vested in the state.

CHAPTER 149.

An act to amend section four hundred eight of the Code of Civil Procedure, relating to the writ of summons.

[Approved May 16, 1921. In effect July 29, 1921.]

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

SECTION 1. Section four hundred eight of the Code of Civil Procedure, is hereby amended to read as follows:

Alias
summons.

408. If the summons is returned without being served on any or all of the defendants, or if it has been lost, the clerk, upon the demand of the plaintiff, may issue an alias summons in the same form as the original, and within such time as the original might have been served if it had not been lost or returned.

CHAPTER 150.

An act to amend section one thousand eight hundred sixty of the Civil Code, relating to the liability of innkeepers, hotel keepers, boarding house and lodging house keepers.

[Approved May 14, 1921. In effect July 29, 1921.]

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

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

1860. If an innkeeper, hotel keeper, boarding house or lodging house keeper, keeps a fireproof safe and gives notice to a guest, boarder or lodger, either personally or by putting up a printed notice in a prominent place in the office or the room occupied by the guest, boarder, or lodger, that he keeps such a safe and will not be liable for money, jewelry, documents, furs, fur coats and fur garments, or other articles of unusual value and small compass, unless placed therein, he is not liable, except so far as his own acts shall contribute thereto, for any loss of or injury to such articles, if not deposited with him to be placed therein, nor in any case for more than the sum of two hundred and fifty dollars for any or all such property of any individual guest, boarder, or lodger, unless he shall have given a receipt in writing therefor to such guest, boarder or lodger.

Liability of innkeepers.

SEC. 2. All other acts in conflict with this act are hereby repealed.

CHAPTER 151.

An act to amend section one thousand eight hundred fifty-nine of the Civil Code, relating to the liability of innkeepers, hotel keepers, boarding or lodging house keepers.

[Approved May 14, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one thousand eight hundred fifty-nine is hereby amended to read as follows:

1859. The liability of an innkeeper, hotel keeper, boarding and lodging house keeper, for losses of or injuries to personal property, other than money placed by his guests, boarders, or lodgers under his care, is that of a depository for hire; *provided, however*, that in no case shall such liability exceed the sum of one hundred dollars for each trunk and its contents, fifty dollars for each valise or traveling-bag and contents, and ten dollars for each box, bundle, or package and contents so

Liability of innkeepers.

placed under his care, and all other miscellaneous effects including wearing apparel and personal belongings, two hundred fifty dollars; unless he shall have consented in writing with the owner thereof to assume a greater liability.

Repealed.

SEC. 2. All other acts in conflict with this act are hereby repealed.

CHAPTER 152.

An act to add a new section to the Code of Civil Procedure to be numbered three hundred forty-one a, relating to the time for the commencement of actions other than for the recovery of real property.

[Approved May 14, 1921. In effect July 29, 1921.]

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

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

Actions to
recover
personal
property left
in hotel.

341a. All civil actions for the recovery of personal property, wearing apparel, trunks, valises or baggage alleged to have been left at a hotel, boarding house, lodging house or apartment house, shall be begun within ninety days from and after the date of the departure of the owner of said personal property, wearing apparel, trunks, valises or baggage from said hotel, boarding house, lodging house or furnished apartment house.

CHAPTER 153.

An act to amend section one hundred seventy of the Code of Civil Procedure, relating to disqualification of judges.

[Approved May 14, 1921. In effect July 29, 1921.]

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

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

Disqualifica-
tion of
judges.

170. No justice, judge, or justice of the peace shall sit or act as such in any action or proceeding:

1. To which he is a party or in which he is interested;

2. When he is related to either party, or to an officer of a corporation which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity, within the third degree, computed according to the rules of law: *provided, however*, that if the parties to the action, or the executor, or administrator of the estate, or the guardian of the

minor or incompetent person, or the receiver, or the commissioner, or the referee, or the attorney for a party in all special proceedings of a civil or criminal nature, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification herein, the judge or court may proceed with the trial or hearing with the same legal effect as if no such disqualification existed;

Disquali-
fication
of Judges.

3. When in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for either party; or when he has given advice to either party upon any matter involved in the action or proceeding;

4. When it appears from the affidavit or affidavits on file that either party can not have a fair and impartial trial before any judge of a court of record about to try the case by reason of the prejudice or bias of such judge, said judge shall forthwith secure the services of some other judge, of the same or another county, to preside at the trial of said action or proceeding; *provided*, that in an action in the superior court of a county, or of a city and county, having more than one department, said action shall be transferred to another department thereof, and tried therein in the same manner as though originally assigned to such department. The affidavit or affidavits alleging the disqualification of a judge, must be filed and served upon the adverse party or the attorney for such party at least one day before the day set for trial of such action or proceeding; *provided*, counter-affidavits may be filed at least one day thereafter, or such further time as the court may extend the time for filing such counter-affidavits, not exceeding five days, and for this purpose the court may continue the trial; and in no one cause or proceeding can more than one such change of judges be had. But the provisions of this section shall not apply to the arrangement of the calendar, or to the regulation of the order of business, nor the power of transferring the action or proceedings to some other court, or the hearing upon such affidavits and counter-affidavits;

5. In an action or proceeding brought in the superior court or justices' court by or against the reclamation board of the State of California, or any reclamation, levee, swamp land or drainage district, or any public agency, or trustee, officer or employee thereof, affecting or relating to any real property or any easement or right of way, levee, embankment, canal, or any work provided for or approved by the reclamation board of the State of California, the judge of the superior court of the county, or justice of the peace of the township in which such real property, or any part thereof, or such easement or right of way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action, if brought in the superior court, shall be heard and tried by some other judge of the superior court requested to sit therein by the governor, or if brought in the

Disquali-
fication
of judges.

justices' court, by some other justice of the peace requested to sit therein by the governor; unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge or justice of the peace may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation agreeing upon some other judge of the superior court or justice of the peace to sit or act in place of the judge or justice disqualified under the provisions of this subdivision, the judge or justice agreed upon shall be called by the judge or justice of the peace so disqualified to hear and try such action or proceeding: *provided*, that nothing herein contained shall be construed as preventing the judge of the superior court of such county from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated by the governor as herein provided.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in title four, part two of this code.

CHAPTER 154.

An act directing the state board of equalization to gather and report to the legislature certain data relative to property values in this state; requiring persons or corporations taxed under section fourteen of article thirteen of the constitution to submit certain data on values to the state board of equalization and defining the use to which such data may be placed.

[Approved May 16, 1921. In effect July 29, 1921.]

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

Report by
State board
of equaliza-
tion regard-
ing property
values.

SECTION 1. On the first day of the convening of each regular session of the legislature, the state board of equalization shall report to the legislature a detailed statement regarding the values of properties taxed under subdivision (a) of section fourteen of article thirteen of the constitution, which report shall contain in detail for each person or corporation so taxed the following information:

(1) The physical value of each of said properties, reported as required by section two hereof.

(2) The stock and bond value of each of said properties when obtainable.

(3) The value of each of said properties as may have been determined by the railroad commission.

(4) The values of such properties as may have been claimed before the railroad commission by any or all of said persons or corporations.

(5) The reproduction cost of each of said properties when obtainable.

(6) The original or historical value of each of said properties.

SEC. 2. Each person or corporation enumerated in subdivision (a) of section fourteen of article thirteen of the constitution between the first day of July and the first day of October in each and every year preceding a regular session of the legislature, in addition to all of the information now required by law to be filed, must file with the state board of equalization upon forms to be furnished by said board the statements of values enumerated in section one of this act.

Reports by corporations taxed for state purposes.

SEC. 3. The values required to be reported under section two of this act shall be certified to by the person or corporation submitting the same and shall be competent evidence against said person or corporation as to such values before any court in the state, before the railroad commission and before any legislative committee.

Certified values as evidence.

CHAPTER 155.

An act transferring the sum of one hundred thousand dollars, heretofore appropriated by an act approved May 26, 1913, to the use of the "state compensation insurance fund," from said "state compensation insurance fund" to the general fund of the state.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. The "state compensation insurance fund," created by an act approved May 26, 1913 (chapter 176, laws of 1913), having become self-supporting as contemplated by section thirty-seven of said act, and the sum of one hundred thousand dollars appropriated for the use of said fund by an act approved May 26, 1913 (chapter 180, laws 1913), not having been expended and being no longer required for the support or use of said fund, and the industrial accident commission consenting to the surrender of the use of said sum of money, said sum of one hundred thousand dollars is hereby transferred from the said "state compensation insurance fund" to the general fund of the state.

Transfer of compensation insurance fund to general fund.

SEC. 2. The state controller and the state treasurer are hereby authorized and directed to transfer said sum of one hundred thousand dollars from the "state compensation insurance fund" to the general fund of the state.

CHAPTER 156.

An act to amend section fourteen and one-half of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 15, 1915," approved May 28, 1917, as amended.

[Approved May 18, 1921. In effect July 29, 1921.]

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

Stats 1919,
p. 432,
amended.

SECTION 1. Section fourteen and one-half of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 15, 1915," approved May 28, 1917, as amended, is hereby amended to read as follows:

Fish and
game district
one "M."

Sec. 14½. Fish and game district one "M" shall consist of and include all of that certain territory within the county of Kern bounded and described as follows: Beginning at the San Joaquin Power Company's plant located on the bank of the Kern river in section six, township twenty-nine south, range thirty east, Mount Diablo base and meridian, thence running in a northeasterly direction following the south bank of the Kern river to the mouth of Clear creek, thence following Clear creek in a southerly direction to the intersection of the Caliente-Kernville highway, thence following said highway in a southerly direction to the intersection of Basin creek; thence following the northerly bank of Basin creek in a southwesterly direction to the intersection of the west boundary line of township thirty south, range thirty-one east, Mount Diablo base and meridian, thence following said township line north to the intersection of the west boundary line of township twenty-nine south, range thirty-one east, thence following said township line north to the intersection of the national forest boundary line as established January 1, 1919, thence following said national forest boundary line west to the San Joaquin Power Company's plant at the place of beginning.

CHAPTER 157.

An act authorizing the state controller to destroy certain reports and other documents.

[Approved May 18, 1921. In effect July 20, 1921.]

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

SECTION 1. All reports from county and city officials and individuals which have been in the custody of the controller for a period of five years preceding, may be destroyed; *provided, however*, that this act shall not apply to claims upon which warrants have been issued nor warrants which have been canceled nor other records involving the expenditure of state money, nor books of original entry.

State controller may destroy certain reports.

CHAPTER 158.

An act to provide for the reversion of unexpended balances of certain appropriations.

[Approved May 18, 1921. In effect July 20, 1921.]

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

SECTION 1. All balances remaining unexpended, from appropriations made by the legislature of the State of California, four years after such appropriations became available shall revert to and become a part of the unappropriated moneys in the general fund of the State of California; *provided, however*, that nothing herein contained shall be so construed as to repeal or otherwise affect any act providing for the transfer of moneys from the general fund for the benefit of elementary schools, high schools, the university, the interest and sinking fund, or any other bond interest fund; *provided, also*, that this act shall in no manner affect acts creating statutory salaries or acts whereby the regular annual expenditure of fixed sums for any public purpose is provided for; *provided, further*, that this act shall in no way affect appropriations made for cooperative work under specific agreements or under contract.

Reversion of unexpended balances

SEC. 2. Appropriations made prior to 1921 shall not lapse until six years have expired from the date they became available.

Appropriations prior to 1921.

CHAPTER 159.

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

[Approved May 18, 1921. In effect July 29, 1921.]

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

Game refuges
established.

SECTION 1. Section six hundred twenty-six s. Fish and game district one "A," one "B," one "C," one "D," one "E," one "F," one "G," one "H," one "I," one "J," one "K," one "L," one "M," two "N," three "A," three "B," three "C," three "D," three "E," three "F," four "A," four "B," four "C," four "D," four "E," and four "F," inclusive, are hereby designated as game refuges.

Penalties.

Every person who hunts, pursues, takes, kills or destroys, or has in his possession any species of bird or mammal or parts thereof, or any fire arms in any game refuge, except under written permit from the board of fish and game commissioners, is guilty of a misdemeanor; *provided*, that nothing in this section shall prohibit the hunting and possession of water fowl in fish and game district four "A" and four "E" in accordance with the provisions prescribed in this chapter; *provided further*, that nothing in this section shall prohibit the taking of any fish in any game refuge by such means and in such manner as may be prescribed in this chapter for the taking of fish in the main districts in which the refuge is located.

Every person who, in fish and game district number twenty-six, takes, catches, kills or has in his possession any fish is guilty of a misdemeanor.

Every person found guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail in the county in which conviction shall be had, not less than twenty-five days nor more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 160.

An act to amend section six hundred thirty-five of the Penal Code, relating to the killing of fish with explosives and by pollution of waters, and prescribing a penalty therefor.

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

635. Every person, firm, association, or corporation who places, or causes to be placed, in any of the waters of this state dynamite, gunpowder, or other explosive compound for the purpose of killing or taking fish, or who takes, procures, kills or destroys any fish of any kind by means of explosives, or who has in his possession any fish that have been taken by means of explosives or who places, or causes to be placed, or who discharges or deposits, or who causes to be discharged or deposited, or suffers or permits to be discharged or deposited, or to pass, or who places where it can pass, in or into any of the waters of the state any petroleum, acid, coal or oil tar, lamp black, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material, or substance, or any refuse, liquid or solid from any refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind, or any sawdust, shavings, slabs, edgings, or any factory refuse, or any lime, any cocculus indicus, or any slag or any other substance or material deleterious to fish, plant life or bird life, is guilty of a misdemeanor, and is punishable by a fine of not less than two hundred dollars, or by imprisonment in the county jail of the county in which said conviction shall be had, not less than one hundred days, or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section shall be paid into the state treasury, to the credit of the fish and game preservation fund.

Penalty for killing fish by explosives or pollution.

CHAPTER 161.

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

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

626h. Every person who buys, sells, offers or exposes for sale, barter or trade, the hide, pelt or skin of any deer, or who transports, carries, or has in his possession, the skin, pelt or

Penalty for selling deer skins.

hide of any female deer, or spotted fawn, or any deer hide or pelt from which the evidence of sex has been removed, is guilty of a misdemeanor; *provided, however,* that the provisions of this section shall not apply to the skin, pelt or hide of any deer killed or taken in a foreign country.

CHAPTER 162.

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

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

Protection of
striped bass.

628a. Every person, who at any time, buys, sells, offers for sale or has in his possession any striped bass of less than three pounds in weight, or who between April first and May thirty-first, both dates inclusive, buys, sells, offers or exposes for sale or has in his possession any striped bass of more than ten pounds in weight, or who, except with hook and line, and in the manner commonly known as angling, takes, catches, kills or has in his possession any striped bass or shad between the seventeenth day of September and the fourteenth day of November, inclusive, of any year, or between the first day of June and the thirty-first day of July, both dates inclusive, of any year, or who, between the seventeenth day of September and the fourteenth day of November, inclusive, or between the first day of June and the thirty-first day of July, inclusive, of any year, takes, catches, kills or has in his possession more than five striped bass or shad, or who, between the seventeenth day of September and the fourteenth day of November, inclusive, or between the first day of June and thirty-first day of July, inclusive, of any year, buys, sells, offers for sale, ships or offers for shipment, or receives for shipment or transportation, any striped bass, or who at any time offers for shipment, ships or receives for shipment or transportation from the State of California, to any place in any other state, territory or foreign country any striped bass is guilty of a misdemeanor. Every person who takes any striped bass or shad in a net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor. Every person who shall cast, extend or draw, or assist in casting, extending or drawing any net or seine, for the purpose of taking or catching any shad or striped bass in any of the waters of this state at any time between sunrise of each Saturday and sunset of the following Sunday is guilty of a misdemeanor. Every person who, in fish and game district number

two, takes, catches or kills more than five striped bass in any one calendar day, is guilty of a misdemeanor.

Be it provided, that nothing in this section shall prohibit any person from having in his possession, in any one calendar day, not to exceed five striped bass between twelve inches in length and three pounds in weight, but such striped bass must be caught only with hook and line and must not be bought, sold or offered for sale, or shipped or offered for shipment.

And be it provided, further, that nothing in this section shall prohibit any person from holding in his possession, during the closed season of June and July, striped bass legally caught in open season, when the holder of such striped bass shall comply with the regulations to be prescribed by the fish and game commission. Every person who violates any of the provisions of this section is guilty of a misdemeanor.

CHAPTER 163.

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

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

636. Every person who shall use or operate, or who shall assist in using or operating any net, trap, line or other appliance for the purpose of taking or catching fish, mollusks or crustaceans in the State of California at any time, or in any manner, except as otherwise provided in this chapter, is guilty of a misdemeanor.

Protection
of fish.

It shall be lawful to use drift gill nets in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, twelve A, twelve B, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-two, and to use set gill nets in fish and game districts seventeen, eighteen, nineteen and twenty A; *provided,* that in fish and game districts eleven, twelve, twelve A, twelve B and thirteen the cork line of any gill net shall not be submerged more than twelve feet below the surface of the water, and that the lines attaching the buoys or floats to the cork line of such submerged nets be not more than twelve feet in length and that the points of attachment of said lines on the cork line be not more than ten fathoms apart; *provided, further,* that it shall be lawful to use gill nets of not less than six and one-half inch mesh, in fish and game district seven A from October eight, 1921, to December seven, 1921, both dates inclusive; *and provided, further,* that in fish and game districts eleven, twelve, twelve A, twelve B and thirteen the meshes of

Gill nets

the gill nets shall be approximately the same size and shall not vary in length more than one inch; *and provided, further*, that gill nets are not to be used in fish and game districts twelve A, and twelve B between September seventeenth and November fourteenth of any year, both dates inclusive, or between June first and July thirty-first of any year, both dates inclusive; *provided, however*, that in fish and game district twelve B gill nets having meshes measuring not less than seven and one-half inches may be used between the June first and July thirty-first of any year, both dates inclusive, for the purpose of taking salmon only; and any gill net found in any fishing boat in fish and game districts twelve A and twelve B during said closed season shall be prima facie evidence that the owner of such net was using same in said fish and game district; *and provided, further*, that no gill nets are to be used or operated in fish and game district twelve between the first day of March and the thirty-first day of July of any year, both dates inclusive, the meshes of which measure between five and five-eighths inches and seven and one-half inches in length. Any line used on gill nets which shall tend to cause the webbing of such gill nets to bag or hang slack shall cause such net to lose its identity as a drift gill net and become a trammel net.

**Trammel
nets.**

It shall be lawful to use trammel nets (also known as two mesh and three mesh nets) in fish and game district twelve B, the minimum meshes of which shall measure not less than five and one-half inches in length.

It shall be lawful to use trammel nets (also known as two mesh and three mesh nets) in fish and game districts ten, eighteen and nineteen, the minimum meshes of which shall measure not less than eight inches in length.

**Purse nets
and round
haul nets.**

It shall be lawful to use purse nets and round haul nets (also known as circle seines or lampara nets) in fish and game districts, five, six, seven, eight, nine, ten, eleven, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty A, twenty-one and twenty-two; *provided*, that purse or round haul nets are not to be used in any fish and game district for the purpose of taking salmon, steelhead, striped bass or shad and that any person who has in possession any salmon, steelhead, striped bass or shad which have been caught with a purse or round haul net is guilty of a misdemeanor; *and provided, further*, that any beach seine, purse or round haul net found in any fishing boat in fish and game districts twelve or twelve B at any time shall be prima facie evidence that the owner or person in possession of such net or nets was using same in said fish and game districts; *and provided, further*, that in fish and game district fifteen, purse or round haul nets shall be used only for the purpose of taking fish for bait, and that in fish and game district sixteen purse nets or round haul nets shall be used only for the purpose of taking squids, anchovies and sardines.

It shall be lawful to use beach nets (also known as beach seines or haul seines.) in fish and game districts five, eight, nine, ten, eleven, twelve A, thirteen, eighteen, nineteen and twenty-two; *provided*, that in fish and game districts five and twelve A the meshes of any such beach nets shall measure not less than five and one-half inches in length, and that in fish and game districts ten, eighteen, and nineteen, the meshes of the beach nets shall measure not less than one and one-half inches in length; and beach nets shall only be used in fish and game district nineteen between the first day of September and the thirty-first day of January of the year following, both dates inclusive, and for the purpose of taking smelt only.

Beach nets.

For the purpose of this act, any net hauled from the water to the beach or shore for the purpose of taking fish, shall be known as a beach net.

It shall be lawful to use fyke nets in fish and game districts twelve B for the purpose of catching carp, pike, hardheads and suckers between the first day of December and the last day of February of the year following, both dates inclusive; *provided*, that the smallest meshes of any fyke net so used shall measure not less than two and one-half inches in length.

Fyke nets.

It shall be lawful to use trawl nets (also known as paranzella nets, beam trawls or shrimp trawls) in fish and game districts five, six, seven, twelve, thirteen and eighteen; *provided*, that the use of any trawl net in fish and game districts twelve and thirteen shall be for the purpose of taking shrimp only; and *provided, further*, that it shall be unlawful to use trawl nets in any bay in fish and game district number eighteen.

Trawl nets.

It shall be lawful to use crab nets or crab traps in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, thirteen, seventeen, eighteen and nineteen, and lobster traps in fish and game districts seventeen, eighteen and nineteen.

Crab nets.

It shall be lawful to use shrimp nets (also known as Chinese shrimp or bag nets) in fish and game district thirteen for the purpose of taking shrimp only.

Shrimp nets.

It shall be lawful to use dip nets for the purpose of taking fish other than game fish to be used as bait only, in any fish and game district, excepting fish and game district fourteen; *provided*, that in fish and game districts one, one and one-half, two, three and four such dip nets shall not be baited; and *provided, further*, that any dip net in fish and game districts one, one and one-half, two, three, four, nineteen and twenty, shall not measure more than six feet in its greatest breadth; and *provided, further*, that it shall be unlawful for any person to have in his possession any nets other than such bait dip nets within fish and game district twenty.

Dip nets.

It shall be lawful to use troll lines or hand lines in any fish and game district excepting fish and game district fourteen and to use trawl lines in fish and game districts five, six, seven,

Troll lines or hand lines.

ten, seventeen, eighteen and nineteen. It shall also be lawful to use trawl lines (also known as set lines) in any lake in fish and game district two having a surface area of not less than seventy-five square miles, for the purpose of catching catfish only; *provided*, that it shall be unlawful to use minnows or any species of young fish on hooks attached to such trawl line.

Spade,
shovel, etc.

It shall be lawful to use any spade, shovel, hoe, rake or other appliance operated by hand for the purpose of taking mollusks in fish and game districts one and one-half, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-one.

Set nets
and lines.

Any net or line shall be considered a set net or set line that is made fast to the bank or ground or that shall be made fast in any way and shall not be free to drift with the tide or current, and any net so placed that it will catch or impound fish within a bight, bay or estuary or against the shore, upon the receding of the tide shall be considered a set net; *provided*, that fyke nets, shrimp nets or crab nets shall not be considered set nets, nor trawl lines be considered set lines. The length of the meshes of any net shall be determined by taking at least four meshes and measuring them between the knots while they are simultaneously drawn closely together.

Recovery of
fish in over-
flowed areas.

Nothing in this section shall prevent the fish and game commission, or persons authorized by them, from using any net or other appliance in any fish and game district for the purpose of recovering fish from overflowed areas or landlocked sloughs or ponds where they have been left isolated by receding streams or flood waters.

Scientific
purposes.

Nothing in this section shall prohibit the fish and game commission, or anyone authorized by them, from using such nets, traps or other appliances in the waters of the state as they may deem necessary for carrying on scientific investigation or for the propagation of fish, mollusks or crustaceans. Nothing in this section shall prohibit the fish and game commission, or any person authorized by them, from using nets, traps or other appliances in any fish and game district for experimental purposes.

Penalty.

Every person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had, not less than one hundred days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 164.

An act to amend section three thousand three hundred sixty-six of the Political Code, relative to the powers of boards of supervisors, city councils and town trustees, in their respective counties, cities and towns to impose a license tax.

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

3366. Boards of supervisors of the counties of the state, and the legislative bodies of the incorporated cities and towns therein, shall, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, have power to license all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged or honorably released soldier, sailor, or marine of the United States or confederate states who has served in the civil war, any Indian war, the Spanish-American war, any Philippine insurrection or in the Chinese relief expedition, or in the world war of 1914 and years following, who is physically unable to obtain a livelihood by manual labor, and who shall be a qualified elector of the State of California, shall have the right to distribute circulars, and to hawk, peddle, and vend any goods, wares or merchandise, except spiritous, malt, vinous or other intoxicating liquor, without payment of any license tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor; *provided, however*, no license can be collected or any penalty for the nonpayment thereof enforced against any commercial traveler whose business is limited to the goods, wares, and merchandise sold or dealt in in this state at wholesale.

SEC. 2. This act shall not be deemed to repeal any act vesting municipal corporations with power to license for revenue purposes.

Power to
impose
business
license tax.

Ex-soldiers
exempt.

Power to
license for
revenue.

CHAPTER 165.

An act to amend section four thousand forty-one of the Political Code, relating to the general powers of boards of supervisors.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. Section four thousand forty-one of the Political Code be and the same is hereby amended to read as follows:

Powers of supervisors.

4041. The boards of supervisors, in their respective counties shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

Supervise work of county officers.

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county and particularly those charged with the assessing, collecting, safekeeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection.

Divide county into districts.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

Establish election precincts.

3. To establish, abolish, and change election precincts, and to appoint inspectors, clerks and judges of election, canvass all election returns, declare the result and order the county clerk to issue certificates thereof; *provided*, that no election precinct shall be established or abolished, or the boundaries of any election precinct changes within ninety days prior to any election.

Build roads.

4. To acquire and take by purchase, condemnation or otherwise land for the uses and purposes of public roads, highways, boulevards, turnpikes and other public ways, and to lay out, maintain, control, construct, repair, and manage public roads, boulevards, highways, turnpikes and other public ways, and to incur a bonded indebtedness for any such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose, and two-thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section four thousand eighty-eight of this code. Said board shall also have power to make and enforce rules and regulations for the protection, management, control and use of such public boulevards, roads, highways, turnpikes and other public ways. Such boards shall also have power to expend from the general fund of the county such moneys as

may be necessary to pay the whole or any part of the cost of the improvement of that portion of any street, highway, lane, alley, court, or other public place within any incorporated city of the county, upon which abuts any real property of the county used for public purposes, not exceeding the amount, however, which, but for such public ownership and use, would be properly chargeable to and assessed against such real property under the provisions of the law governing such work or improvement; *provided*, no liability shall be created against the county in connection with any such work or improvement unless, prior to the commencement thereof, or to the letting of any contract therefor, the board shall, by resolution, determine and declare the amount to be so expended and direct that such sum be set apart and reserved out of any moneys in the general fund available for such purpose, to be used exclusively for paying the cost of such work or improvement.

4a. To construct, operate, manage or maintain summer bridges or ferries under such rules and regulations and at such times and places as they may deem necessary; such bridges or ferries to be paid for out of the county general fund. Maintain summer bridges.

5. To lay out, maintain, control, construct, repair and manage public ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon. Maintain ferries.

6. To purchase, receive by donation, lease or otherwise acquire water rights or real or personal property necessary for the use of the county, for a courthouse, jail, hospital, historical museum, art gallery, art institute, stadium and almshouse, and an exposition building or buildings, public pleasure ground, public parks, and other public purposes, and also property upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to improve, preserve, take care of, manage and control the same; *provided*, that no purchase of real property shall be made unless a notice of the intention of the board of supervisors to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation published in the county; or if none be published in the county, then that has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisorial district. Acquire land for court house, etc.

7. To construct or lease, build or rebuild, furnish or refurbish or repair hospital and almshouses, courthouse, jail, historical museum, county free library building, branch library building, art gallery, art institute, exposition building or buildings for exhibiting and advertising farming, mining, manufacturing, livestock raising, and other resources of the county, stadium and such other public buildings as may Build hospitals, etc.

be necessary to carry out the work of the county government, and to provide all necessary officers, employees, attendants, and supplies for the proper maintenance of the same; *provided*, that a suitable graduate or graduates in medicine shall be appointed to attend to the indigent sick or dependent poor, or to the patients in such hospitals and almshouses provided with respect to county free libraries that are now or may be hereafter maintained either under the provisions of this section or under the provisions of an act of the legislature of the State of California entitled "An act to provide for the establishment and the maintenance of county free libraries," approved February 16, 1911, the provisions of said act shall control except as to section twelve thereof and said libraries shall be maintained under either the provisions of this section or said section twelve at the option of the board of supervisors; *provided, further*, that the board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to any person. Whenever the cost of construction of any bridge, wharf, chute, or other shipping facilities, or of any hospital, almshouse, courthouse, jail, historical museum, county free library building, branch library building, art gallery, art institute, exposition building or buildings, stadium or other public buildings, or the cost of any repairs thereto or furnishing thereof shall exceed the sum of five hundred dollars, such work shall be done by contract, and any contract therefor shall be void unless the same shall be let as hereinafter provided. The board of supervisors shall adopt plans and specifications, strain-sheets and working details therefor, and must advertise for bids for the performance of the said work in a newspaper of general circulation published in the county for at least twenty days. In case there is no newspaper published in said county, then such notice shall be given by posting in three public places for at least twenty days. All bidders shall be afforded opportunity to examine such plans and specifications, strain-sheets and working details, and said board shall award the contract to the lowest responsible bidder, and the person, firm or corporation to whom the contract shall be awarded must perform the work in accordance with the said plans and specifications, strain-sheets and working details, unless the same be modified by a unanimous vote of the members of the board of supervisors; and in every such case if the cost of the work be reduced by reason of the modification, compensation must be made to the county therefor, and the person, firm, or corporation, to whom the contract shall be awarded must execute a bond to be approved by the said board for the faithful performance of such contract: *provided*, that for the construction of any bridge, wharf, chute, or other shipping facilities, or any repairs thereto if the board of supervisors shall be advised by the county surveyor or engineer that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids

County free libraries.

Work costing over five hundred dollars done by contract.

Award to lowest bidder.

Work may be done by day labor.

and to order the work done or structure built by day's work, under the supervision and direction of the said surveyor or engineer; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required, and direct the conduct of work of any kind upon any and all public roads; *provided, further*, that in cases of great emergency, caused by flood, fire, earthquake, or act of God, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without adopting the plans and specifications, strain-sheets, or working details or giving notice for bids to let contract; the work to be done by day labor under the direction of the board, or by contract, or by a combination of the two; if wholly or in part by contract, the contractor to be paid the actual cost of material and labor expended by him in doing the work, plus fifteen per cent to cover all profits, supervision, use of machinery, and tools, and other expenses; *provided*, that no more than the lowest current market prices shall be paid for material; *provided, however*, that in counties employing a purchasing agent that furnishings, materials and supplies used in the work mentioned in this subdivision costing not more than one thousand dollars, may be purchased by said purchasing agent in accordance with the provisions of subdivision twenty-one of this section without the formality of obtaining bids, letting contracts, preparing specifications, and doing the other things required by this section for purchases costing more than five hundred dollars.

Road labour

Emergency cases.

In counties having purchasing agent.

8. To provide a farm in connection with the county hospital or almshouse and make regulations for working the same.

Provide poor farm.

9. To purchase, acquire, construct, equip and maintain all necessary tanks, reservoirs, pumps, apparatus, motor vehicles and other machinery necessary or proper to facilitate the performance of the work in the county.

Maintain necessary machinery

9a. To purchase, lease, construct or otherwise acquire, own, operate, manage and control, in any county in the state, cement manufacturing plant; and to sell the products of the same in such manner and upon such terms and conditions as to them shall be deemed proper; *provided*, that the State of California and municipal or public corporations of the state shall have a preferred right at the same price as the products are offered to private persons to purchase the same; and to purchase, lease, or otherwise acquire real or personal property to be used in connection with such plant; *provided, however*, that no such plant shall be purchased, leased, or otherwise acquired, neither shall said works be constructed on real or personal property purchased or acquired until notice of the intention to make such purchase or construct such works shall have been given for a period of thirty days by publication in a newspaper of general circulation published within the county or, if there be none, then by

Acquire cement plants.

posting a notice for said period in a conspicuous place in three public places in the county; such notice shall contain a description of the property to be purchased or works to be constructed, a statement of the amount of money to be invested, the terms upon which it is to be invested and the time when the proposition will come before the board of supervisors to be acted upon.

Sell county property no longer needed.

To sell at public auction, at the courthouse door or at such other place within the county as the board may, by four-fifths vote, order, after five days' notice, given either by publication in a newspaper published in the county or by posting in three public places in the county, and convey to the highest bidder for cash any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale without advertising, by any member of the board empowered for that purpose by a majority vote of the board, such sale to be reported to and confirmed by such board of supervisors.

Audit accounts.

11. To examine and audit, at least every twelve months the accounts of all officers having the care, management, collection or disbursement of moneys belonging to the county or moneys received or disbursed by them under authority of law.

Allow charges against county.

12. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal. and order warrants to be drawn on the county treasurer therefor.

Levy taxes.

13. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition.

Maintain public pounds.

14. To maintain, regulate and govern public pounds, fix the limits within which animals shall not run at large, and appoint pound-keepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

Assessments.

15. To equalize assessments.

Direct county suits.

16. To direct and control the prosecution and defense of all suits to which the county is a party and by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same.

Insure buildings.

17. To insure the county buildings and other property in the name and for the benefit of the county.

Establish salary fund.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the

business of the county, and to transfer moneys from one fund to another, as the public interest may require.

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term, or until the next general election. Fill vacancies.

20. To employ the copyists necessary to reproduce any of the county records and indices thereto that may have been lost or destroyed by conflagration, public calamity or otherwise, or that may be in danger of destruction by age, obliteration, or constant use in any of the county offices. Reproduce county records.

21. To employ a purchasing agent, whose duty shall be to purchase for the county and the offices thereof all stationery, clothing, bedding, groceries, provisions, drugs, medicines, and all other supplies to purchases machinery, implements, material and all other personal property, material, or supplies. the same to be purchased only upon a proper requisition therefor; also employ for said purchasing agent such assistants as may be necessary for him to properly fulfill his duty; *provided*, that the purchasing agent may engage independent contractors to perform sundry services for the county with or without furnishing material where the aggregate cost does not exceed fifty dollars, such services to be ordered upon proper requisition as herein provided. Employ purchasing agent.

22. Whenever a board of supervisors shall employ a purchasing agent as herein provided for it shall not be necessary for them to advertise for bids for furnishing county supplies as provided in section four thousand forty-eight of the Political Code, with the exception of advertising. Advertise for bids.

23. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary and the supervisors may attend annual state meetings of the state supervisors association and shall be allowed their actual expenses, in going to, attendance upon and returning from any such state association meetings and their actual and necessary traveling expenses when traveling outside their counties on official business. Make own regulations.

24. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state. Adopt seal.

25. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every soldier, sailor or marine of the United States who has received an honorable discharge or a release from active duty under honorable conditions from License business.
Ex-soldiers exempt.

such service and who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle and vend any goods, wares or merchandise, except spiritous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the nonpayment thereof enforced against any commercial traveler whose business is limited to the goods, wares and merchandise sold or dealt in in this state at wholesale.

Destroy
nests.

26. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Protect
sheep.

27. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

Protect fish
and game.

28. To provide, by ordinances, not in conflict with the general laws of the state, for the protection of fish and game, and may shorten the season for taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

Work
prisoners.

29. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanors, under the direction of some responsible person, to be appointed by the sheriff whose compensation shall not exceed one hundred twenty-five dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

Care for
poor.

29a. To provide for the care and maintenance of the indigent sick or dependent poor of the county, and for such purpose to levy the necessary property or poll taxes, or both.

Bury dead.

30. To provide for the burying of the indigent dead.

Make local
regulations.

31. To make and enforce, within the limits of their county, all such local police, sanitary and other regulations as are not in conflict with general laws.

Regulate
storing of
gunpowder.

32. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder or other explosives or combustible material, as the safety and protection of the lives and property of individuals may require.

Levy tax for
advertising.

33. To levy a special tax not to exceed two cents on the one hundred dollars of the assessed valuation of all property within the county to be used for advertising, exploiting and making known the resources of the county for the purpose of inducing immigration to, and increasing the trade and commerce of, said county, or for the purpose of exhibiting or advertising the agricultural, mineral, or other resources of the county; *and provided, however*, that if said rate of two cents will not raise five thousand dollars in any one year the boards of supervisors may appropriate from the general fund of the county an amount sufficient to make up the deficiency existing between

the amount raised as the result of the two cent levy and five thousand dollars; *and provided, further*, that such tax shall be in addition to any tax which may now or hereafter be authorized to be levied for the purpose of creating a fund to be used for collecting, preparing and maintaining an exhibition in any domestic or foreign exposition; *and provided, further*, that nothing herein contained shall prevent any county from creating a bonded indebtedness under the provisions of section four thousand eighty-eight of the Political Code of California for the purpose of obtaining funds with which to build, construct or furnish an exposition building or buildings for exhibiting and advertising its resources.

33a. To levy a special tax not to exceed five cents on the one hundred dollars of the assessed valuation of all property within the county, to be used for the erection of public comfort stations. Levy tax for comfort stations.

34. To enforce, by ordinance, within the limits of their counties all such regulation concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same. as are not in conflict with general laws. Regulate width of vehicle tires.

35. To grant licenses and franchises for the construction, keeping and taking tolls on roads, bridges, ferries, wharves, chutes, booms and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to prevent the least possible obstruction and inconvenience to the traveling public. License toll roads.

36. To grant, on such terms, conditions and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, when ever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted; *provided*, that the provisions of any general law applicable to the granting of franchises by municipal corporations and counties throughout the state shall be complied with in the granting of any franchise by the board of supervisors. Take tolls on public roads.

37. To enact ordinances and regulations for the construction, alteration, repair and control of all public roads and highways in the county, unless otherwise provided by law. Repair roads.

38. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county Levy road fund tax.

highways in the several road districts, in proportion to the amount collected from such districts; *provided*, that in addition to the tax mentioned in this subdivision the board of supervisors shall have the power and it shall be their duty, upon the petition of a majority of the property owners of any road district, to levy a special road fund tax not to exceed two mills on the one dollar of assessed valuation on all the property in such road district, to be expended in the maintenance of the public roads of such district. To levy a special sanitary tax, not to exceed one-half ($\frac{1}{2}$) mill on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious or communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation.

Levy sanitary tax.

Encourage tree planting.

39. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

Assume municipal functions.

39a. To assume and discharge such municipal functions of the cities and towns within the county as may be authorized by any county charter framed under the provisions of section seven and one-half of article eleven of the constitution of the State of California.

Protect river banks.

40. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvement of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy and collection within such districts of a tax therefor. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work.

Protect against fire.

Sell maps.

40a. To provide for the sale, at not less than cost, of copies of such maps as may be prepared by the surveyor or engineer for the use of the assessor under the provisions of section four thousand two hundred eighteen of the Political Code of California, as may be deemed desirable by the board of supervisors.

Construct levees.

40b. To appropriate and expend money from the general fund of the county for the construction of works, improvements, levees or check-dams to prevent the overflow and flooding of streams and rivers in the county, and to construct such

works, improvements, levees or check-dams outside the county for said purposes upon streams or rivers which flow in or through more than one county.

40c. To levy a special tax which shall produce not to exceed two thousand five hundred dollars to be used for the purpose of compiling a war history of the county. Levy tax for war history.

41. To do and to perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government. Do other acts required.

42. To plant shade and ornamental trees on the public roads and highways, and on or about the public grounds and buildings of the county and providing for the care of the same. The cost of the planting and caring for such trees to be paid for out of the county general fund. Plant shade trees.

43. To place in the custody and control of the county historical society or the trustees or other directors thereof, any records, landmarks or other property, real or personal of the county, having only historical value. Such trustees and directors shall at all times be appointed by such historical society with the consent and approval of the board of supervisors and shall receive no compensation from such county and such board of supervisors may prescribe whatever suitable or reasonable conditions that they see fit as a condition to the delivering of such property. Transfer records to Historical Society.

CHAPTER 166.

An act to amend section six hundred twenty-eight e of the Penal Code, relating to fish and game.

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

628e. Every person who in fish and game district number nineteen at any time except with hook and line, takes, catches or kills any California whiting (*Menticirrhus undulatus*) also known as surf fish, or any yellow-fin or any spot-fin croaker; every person who, at any time buys, sells, offers, or exposes for sale California whiting (*Menticirrhus undulatus*), also known as surf fish and corbina or any yellow-fin or any spot-fin croaker, or any golden croaker, and every person who, at any time buys, sells, offers or exposes for sale or who has in his possession more than fifty pounds of any southern, bastard or chicken halibut (*Paralichthys californicus*) of less than four pounds in weight, or any barracuda less than three pounds, is guilty of a misdemeanor. And all fines collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the "fish commission fund." Protection of whiting, etc.

CHAPTER 167.

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

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

Protection
of deer.

626f. Every person who, between the sixteenth day of October and the thirty-first day of August, inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer or any deer meat, is guilty of a misdemeanor, except as hereinafter provided; *provided*, that every person in game districts two, two and one-half and three of the State of California, who between the fifteenth day of September and the thirty-first day of July, inclusive, of the following year, hunts, pursues, takes, kills, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer, or any deer meat is guilty of a misdemeanor; *provided, further*, that every person in game district four of the State of California, who between the sixteenth day of October and the fifteenth day of September, inclusive, of the year following, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign county, any male deer, or any deer meat, is guilty of a misdemeanor; *provided, further*, that domesticated reindeer may be imported and sold, subject to such regulations as may be required by the fish and game commission.

CHAPTER 168.

An act to amend section six hundred twenty-six m of the Penal Code of the State of California, relating to the protection of fish and game.

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

Night hunt-
ing and
fishing.

626m. Every person who, at any time between one-half hour after sunset of any one day and one-half hour before sunrise of the following day, hunts, pursues, takes, catches, kills, or

destroys any of the game birds, or animals of this state; or who, between one hour after sunset of any one day and one hour before sunrise of the following day, takes, catches, kills or destroys, any game fish in fish and game districts one, one and one-half, two, three, four, four and one-half, twenty-three, twenty-four and twenty-five, is guilty of a misdemeanor.

CHAPTER 169.

An act to amend section five hundred twenty-eight of the Political Code, relating to the duties of the state printer in connection with the laws of the state.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. Section five hundred twenty-eight of the Political Code is hereby amended to read as follows:

528. There must be printed of the laws of each session of the legislature, two thousand two hundred fifty copies, in English, to be deposited with the secretary of state, who, after retaining a sufficient number of said volumes for distribution, in accordance with the provisions of section four hundred nine of the Political Code, shall deposit one hundred fifty copies with the state librarian; the remaining copies to be sold at a price to be approved by the state board of control, who may authorize the superintendent of printing to compile and print any number of additional copies; the moneys thus received to be paid into the state treasury at the end of each month. Whenever any bill, joint or concurrent resolution, is passed to enrollment, by either the senate or assembly, the committee on enrollment of the house, in which the bill, joint or concurrent resolution originated, shall transmit the same, without delay, to the superintendent of state printing, who shall receipt for all such bills and resolutions, and proceed at once to have the same printed, in the order in which received, in the measure proscribed by law for the statutes. So soon as printed, one copy, with proper blanks for the signatures of the officers whose duty it is to sign enrolled bills, shall be printed on bond paper, which, together with the engrossed bill, shall be sent to the committee on enrollment of the house in which the bill originated. Said committee shall compare such copy with the engrossed bill, and if it is found to be correct shall present it to the proper officers for their signatures. When such officials shall have signed their names, thereon, as required by law, it shall be an enrolled bill, and shall be transmitted to the governor for his approval. If the same is signed by the governor and becomes a law, the printed law shall go to the secretary of state and become the official record.

Distribution
of laws.

Fixing price.

Enrolled
bills.

Printing of
chapters.

2. Whenever a law is signed by the governor, official notice shall be forwarded, in writing, to the superintendent of state printing of the fact. Upon the receipt of said official notice, the superintendent of state printing shall cause to be printed, for the use of the legislature, two hundred forty copies of said law, joint or concurrent resolution, to be distributed, one-third to the senate and two-thirds to the assembly, the sergeant-at-arms of the respective houses to receipt to the superintendent of state printing for the same, whose receipt shall be a proper voucher for the work. He shall also cause to be printed the requisite number of sheets to make the number of copies of the statutes required by law to be printed, the one composition of type to answer the purpose of printing the three editions; and of such laws, resolutions, and memorials as may be designated by the legislature, two hundred forty copies in Spanish. Of the journals and appendices of the senate and assembly there must be printed seven hundred fifty copies, in one volume or more, as may be required by the size thereof. The superintendent of state printing shall have the laws, journals of senate and assembly, and the appendices thereto, properly indexed and bound, the laws in full law sheep binding, and journals and appendices in half law sheep binding, marble sides, and deliver the same to the secretary of state for distribution as soon as practical after the final adjournment of the legislature, and the receipt of the secretary of state shall be his voucher therefor.

Statutes.

Journals.

Indexes.

SEC. 2. This act shall take effect immediately.

CHAPTER 170.

An act to amend sections six hundred fifty three d, six hundred fifty-three i, six hundred fifty-three o and six hundred fifty-three v of the Civil Code, relating to cooperative associations and corporations.

[Approved May 18, 1921. In effect July 20, 1921.]

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

SECTION 1. Section six hundred fifty-three *d* of the Civil Code is hereby amended to read as follows:

Articles of
association of
cooperative
associations.

653*d*. Every association formed under this title must prepare articles of association, in writing stating: The name of the association, the purpose for which it is formed, the place where its principal business is to be transacted, the term for which it is to exist, not to exceed fifty years, the number of the directors thereof, and the names and residences of those selected for the first year, the amount which each member is to pay upon admission as membership fee, and that each member signing the articles has actually paid in such sum, and that the

interest and right of each member therein is to be equal. Such articles of association must be subscribed by the original associates or members, and acknowledged by each before some person competent to take an acknowledgment of a deed in this state. Such articles so subscribed and acknowledged must be filed in the office of the secretary of state, who shall thereupon issue his certificate in the form, and having the effect prescribed in said section two hundred ninety-six; *provided, however,* that no corporation shall be authorized to transact any business until it shall have filed in the office of the county clerk of the county in which its principal business is to be transacted, a copy of its articles of incorporation certified by the secretary of state.

Filed with
secretary of
state.

SEC. 2. Section six hundred fifty-three *i* of the Civil Code is hereby amended to read as follows:

653*i*. Two or more associations formed and existing under this title, or under any preexisting law authorizing their formation for the same purposes, may be consolidated, upon such terms, and for such purposes, and by such name, as may be agreed upon, in writing, signed by two-thirds of the members of each such association. Such agreement must also state all the matters necessary to articles of association, and must be acknowledged by the signers before an officer competent to take an acknowledgment of deeds in this state, and be filed in all respects in accordance with the provisions of section two hundred ninety-six of this code; and from and after the filing of such certified copy the former associations comprising the component parts cease to exist, and the consolidated association succeeds to all the rights, duties and powers of the component associations, and is possessed of all the rights, duties, and powers prescribed in the agreement of consolidated association not inconsistent with this title, and is subject to all the liabilities and obligations of the former component associations, and succeeds to all the property and interests thereof, and may make by-laws and do all things permitted by this title.

Consolidation
of
associations.

SEC. 3. Section six hundred fifty-three *o* of the Civil Code is hereby amended to read as follows:

653*o*. Each association formed under this title must prepare and file articles of incorporation setting forth:

Articles of
incorporation
of
cooperative
agricultural
associations.

1. The name of the association.
2. The purpose for which it is formed.
3. The place where its principal business will be transacted.
4. The term for which it is to exist, not exceeding fifty years.

5. The number of directors thereof, which must not be less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected, and shall have accepted office.

6. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal the articles shall set forth a general rule or rules appli-

cable to all members by which the voting power and property rights and interests, respectively, of each member may and shall be determined and fixed, but the association shall have power to admit new members who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule. This provision of the articles of incorporation shall not be altered, amended, or repealed except by the unanimous written consent or the vote of all of the members.

7. Said articles must be subscribed by the original members and acknowledged by one of them before an officer authorized by the law of this state, to take and certify acknowledgments of deeds of conveyance. Such articles so subscribed and acknowledged must be filed in the office of the secretary of state, who shall thereupon issue his certificate in the form and having the effect prescribed in section two hundred ninety-six; *provided, however*, that no corporation shall be authorized to transact any business until it shall have filed in the office of the county clerk of the county in which its principal business is to be transacted, a copy of its articles of incorporation certified by the secretary of state. When so filed, said articles of incorporation or certified copies thereof shall be received in all the courts of this state, and other places as prima facie evidence of the facts contained therein.

Filed with
secretary of
state.

SEC. 4. Section six hundred fifty-three *v* of the Civil Code is hereby amended to read as follows:

Articles of
incorporation
of non-profit
cooperative
associations.

653*v*. Each corporation formed under this title must prepare and file articles of incorporation in writing setting forth:

1. The name of the corporation.
2. The purpose for which it is formed.
3. The place where its principal business will be transacted.
4. The term for which it is to exist, not exceeding fifty

years.

5. The number of directors thereof, which must not be less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected, and shall have accepted office.

6. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal the articles shall set forth a general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed, but the corporation shall have power to admit new members who shall be entitled to vote and to share in the property of the corporation with the old members, in accordance with such general rule.

7. Said articles of incorporation shall be subscribed by three or more of the original members, a majority of whom must be residents of this state, and acknowledged by each before some officer authorized to take and certify acknowledgments of conveyance or real property. Such articles so subscribed and

acknowledged must be filed in the office of the secretary of state who shall thereupon issue a certificate in the form and having the effect prescribed in section two hundred ninety-six; *provided, however,* that no corporation shall be authorized to transact any business until it shall have filed in the office of the county clerk of the county in which its principal business is to be transacted a copy of its articles of incorporation certified by the secretary of state. When so filed the said articles of incorporation or certified copies thereof shall be received in all the courts of this state and other places as prima facie evidence of the facts contained therein.

Filed with secretary of state.

CHAPTER 171.

An act to add a new section to the Penal Code of the State of California to be numbered section six hundred thirty-two a, relating to the protection of fish and game.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 632a, relating to the protection of fish, and to read as follows:

632a. Every person who shall place, use or operate or shall assist in placing, using or operating any net, trap, weir or pound or other appliance, except hook and line used in the manner commonly known as angling, for the taking or catching of any fish at any time in fish and game districts one, one and one-half, two, two and one-half, three, four, four and one-half, twenty-three, twenty-four, twenty-five, or who shall place in any stream in said fish and game districts any dam or obstruction that prevents, impedes or tends to prevent or impede the passing of fish up or down stream, except as provided elsewhere in this chapter, shall be guilty of a misdemeanor and must be fined in a sum not less than twenty-five dollars or more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had not less than twenty-five days nor more than one hundred fifty days, or by both such fine and imprisonment.

Protection of fish.

Erecting dam.

CHAPTER 172.

An act to prevent persons from unlawfully using or wearing the badge or other insignia of the Grand Army of the Republic or of the United Spanish War Veterans or of the American Legion or of the Veterans of Foreign Wars or of certain other organizations composed of veterans and descendants of veterans of wars in which the United States has been a participant, and repealing an act entitled "An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this state," approved March 10, 1887.

[Approved May 18, 1921. In effect July 29, 1921.]

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

Penalty
for illegally
wearing
veteran's
badges.

SECTION 1. Any person who shall wilfully wear or use, within this state, the badge, lapel button, rosette, or other recognized and estimable insignia of the Grand Army of the Republic or of the United Spanish War Veterans or the American Legion or Veterans of Foreign Wars, unless he shall be entitled to wear or use the same under the rules and regulations of the Department of California, Grand Army of the Republic, or United Spanish War Veterans, or the American Legion or Veterans of Foreign Wars, or the Sons of the American Revolution or the Military Order of Foreign Wars of the United States, or the Military Order of the Loyal Legion of the United States, or of the Military Order of the World War respectively, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not to exceed thirty days in the county jail, or a fine not to exceed twenty dollars, or by both such fine and imprisonment.

Stats. 1907,
p. 81
repealed.

SEC. 2. An act entitled "An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this state," approved March 10, 1887, as amended March 1, 1907, is hereby repealed.

CHAPTER 173.

An act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States over the proprietary lands of this state.

[Approved May 18, 1921. In effect July 29, 1921.]

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

Right of
way over
proprietary
lands
granted to
United
States.

SECTION 1. A right of way is hereby granted over the proprietary lands of this state, and over any land which may hereafter be held or owned by this state in its proprietary capacity, to the United States, for all telegraph, telephone,

power or light lines, roads, railroads, tramways, dikes, levees, dams, mounds, embankments, tunnels, ditches or canals, or other works, structures or excavations requiring rights of way built, erected, excavated or constructed under the provisions of the act of congress, approved June 17, 1902, relating to irrigation and reclamation; *provided, however*, that no such right of way shall be so exercised nor shall anything be so built, erected, excavated, or constructed in connection therewith or in relation thereto, as to in any way interfere with or affect the natural conditions of any interstate lake or the banks or bed thereof or the flow of waters therein or into the same or the outflow of waters therefrom.

SEC. 2. All patents or conveyances of such lands which may hereafter be located or filed on shall be issued subject to the rights of way herein provided for. Patents subject to act.

CHAPTER 174.

An act to amend section thirty-one a of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, designated the "bank act," relating to the consolidation of banking corporations.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. Section thirty-one a of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1917, p 608.

Sec. 31a. Any bank incorporated under the laws of this state may consolidate with one or more banks incorporated under the laws of this state, its capital stock, properties, trusts, claims, demands, contracts, agreements, obligations, debts, liabilities and assets of every kind and description, upon such terms and in such manner as may be agreed upon by their respective boards of directors, a copy of which agreement must be filed in the office of the superintendent of banks; *provided*, that such agreement shall be subject to the approval of the superintendent of banks and shall not be valid until such approval be obtained; *provided, further*, that no such consolidation shall take effect until such agreement shall have been ratified and confirmed in writing by the stockholders of the respective banks holding of record at least two-thirds of the issued capital stock of their respective banks, or such agreement may be submitted to the stockholders of each of such corporations at a meeting thereof to be called upon notice specifying the time, place and object thereof, addressed to each stockholder at his last known post-office address and deposited in the post office, postage prepaid, at least two weeks prior to Consolidation of banks. Ratification by stockholders. Notice.

Publication. the date fixed for said meeting, and published for at least two successive weeks, prior to the date of said meeting, in a newspaper in each of the counties of the state in which any of such banks shall have its principal place of business, and if such agreement shall be approved at each of such meetings of the respective stockholders separately by the vote or ballot of the stockholders owning at least two-thirds of the stock of each such bank, the same shall be the agreement of such banks. In case of such consolidation "articles of incorporation and consolidation" must be prepared, setting forth:

Articles of
incorporation
and con-
solidation.

First—The name of the new corporation;

Second—The purpose for which it is formed;

Third—The place where its principal business is to be transacted;

Fourth—The term for which it is to exist, which shall not exceed fifty years;

Fifth—The number of its directors (which shall not be less than three) and the names and residences of the persons appointed to act as such until their successors are elected and qualified;

Sixth—The amount of its capital stock and the number of shares into which it is divided;

Seventh—The amount of stock actually subscribed, and by whom;

Eighth—The names of the constituent corporations.

By whom
signed.

Said articles of incorporation and consolidation must be signed and countersigned by the president and secretary of each constituent corporation and sealed with their corporate seals. There must be annexed thereto the approval of the superintendent of banks and memoranda of the ratification and confirmation thereof by the stockholders of each constituent corporation, which must be respectively signed and acknowledged by stockholders representing at least two-thirds of the capital stock of their respective corporations.

Filed with
secretary
of state.

When completed as aforesaid said articles must be filed in the office of the secretary of state, and a copy of the articles of incorporation and consolidation, certified by the secretary of state must be filed in the office of the county clerk of the county in which is located the principal place of business of the new corporation. The secretary of state must issue over the great seal of the state a certificate that the articles of incorporation and consolidation containing the required statement of facts have been filed in his office. A duplicate of the certificate hereinbefore provided for must be filed by the secretary of state in his office and copies thereof duly certified by the secretary of state shall have the same force and effect in evidence as the original. A copy of the articles of incorporation and consolidation certified by said secretary of state must be filed in the office of the superintendent of banks and also in the office of the county clerk of each county in which a principal place of business of either or any of the constituent corporations was situated at the time said corporation was incorporated.

When the superintendent of banks issues the certificate of authorization provided for by section one hundred twenty-eight of this act the new or consolidated corporation shall be a body politic and corporate by the name stated in the certificate, and for the term of fifty years, unless it is, in the articles of incorporation and consolidation, otherwise stated and thereupon each constituent corporation named in the articles of incorporation and consolidation must be deemed and held to have become extinct in all courts and places, and said new corporation must be deemed and held in all courts and places to have succeeded to all their several capital stocks, properties, trusts, claims, demands, contracts, agreements, assets, choses and rights in action of every kind and description, both at law and in equity, and to be entitled to possess, enjoy, and enforce the same and every thereof, as fully and completely as either and every of its constituents might have done had no consolidation taken place. Said consolidated or new corporation must also, in all courts and places, be deemed and held to have become subrogated to its several constituents and each thereof, in respect to all their contracts and agreements with other parties, and all their debts, obligations, and liabilities, of every kind and nature, to any persons, corporations, or bodies politic, whomsoever, or whatsoever, and said new corporation must sue and be sued in its own name in any and every case in which any or either of its constituents might have sued or might have been sued at law or in equity had no such consolidation been made. Nothing in this section contained shall be construed to impair the obligation of any contract to which any of such constituents were parties at the date of such consolidation. All such contracts may be enforced by action or suit, as the case may be, against the consolidated corporation, and satisfaction obtained out of the property which, at the date of the consolidation, belonged to the constituent which was a party to the contract in action or suit; as well as out of any other property belonging to the consolidated corporation, and the stockholders of each constituent corporation so entering into such agreement shall continue subject to all the liabilities, claims and demands existing against them at or before such consolidation to the same extent as if the same had not been made. The right of said new corporation to increase or decrease its capital stock, to change the number of its directors, to amend its articles of incorporation, to change its principal place of business, or its name, or to effect any other organic change shall be governed by the general corporation laws of this state and by the bank act, and the procedure to effect any such change shall be that defined by the general corporation laws and the bank act.

The superintendent of banks shall transmit to the secretary of state a duplicate of the certificate of authorization hereinbefore referred to and the secretary of state shall file the same in his office. The superintendent of banks shall also file a duplicate of such certificate in his own office.

Powers of
consolidated
corporations.

CHAPTER 175.

An act to amend section five hundred one of the Political Code, relating to fees to be charged by the register of the state land office.

[Approved May 19, 1921. In effect July 29, 1921.]

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

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

Fees of
register of
state land
office.

501. The register of the state land office for services performed in his office must charge and collect the following fees; For each certificate of purchase or duplicate, three dollars; for each patent or certified copy of record thereof, five dollars; for certifying a contested case to superior court, ten dollars; for copies of papers in his office, twenty cents per folio and fifty cents for certifying thereto; for making copies of maps, for furnishing status of lands and for furnishing names and addresses of purchasers of state lands, per hour, one dollar, and fifty cents for certifying thereto, and such other fees as may be allowed by law. All fees received by the register shall be paid into the state treasury on the first Monday of each and every month and placed to the credit of the general fund.

CHAPTER 176.

An act to amend section three thousand six hundred seven of the Political Code, relating to property subject to taxation.

[Approved May 19, 1921. In effect July 29, 1921.]

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

Section three thousand six hundred seven of the Political Code is hereby amended to read as follows:

Property
subject to
taxation.

3607. All property in this state, not exempt under the laws of the United States, excepting date palms under the age of eight years old from the time of planting in orchard form and fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, growing crops, property used exclusively for public schools, free public libraries, and free museums, and such as may belong to the United States, this state, or to any county or municipal corporation within this state, is subject to taxation, as in this code provided; but nothing in this code shall be construed to require or permit double taxation.

CHAPTER 177.

An act to amend section three thousand six hundred seventeen of the Political Code, relating to the definition of certain terms and words.

[Approved May 19, 1921. In effect July 29, 1921.]

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

Section three thousand six hundred seventeen of the Political Code is hereby amended to read as follows:

3617. Whenever the terms mentioned in this section are employed in this act, they are employed in the senses hereafter affixed to them: Definitions.

First—The term "property" includes moneys, credits, bonds (except railroad or quasi-public corporations), stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. "Property."

Second—The term "real estate" includes: "Real estate."

1. The possession of, claim to, ownership of, or right to the possession of land.

2. All mines, minerals, and quarries in and under the land, all timber belonging to individuals or corporations, growing or being on the lands of the United States, and all rights and privileges appertaining thereto.

3. A mortgage, deed of trust, contract or other obligation by which a debt is secured, when land is pledged for the payment and discharge thereof, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the land so pledged.

4. Improvements.

Third—The term "improvements" includes: "Improvements."

1. All buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land, except telephone and telegraph lines.

2. All fruit, nut-bearing, or ornamental trees and vines, not of natural growth, excepting date palms under eight years of age and fruit and nut-bearing trees under four years of age, and grape vines under three years of age.

3. Alfalfa, after the first year's planting.

Fourth—The term "personal property" includes everything which is the subject of ownership, not included within the meaning of the term "real estate" or "improvements." "Personal property."

Fifth—The terms "value" and "full cash value" mean the amount at which the property would be taken in payment of a just debt from a solvent debtor. "Value."
"Full cash value."

Sixth—The term "credits" means those solvent debts, not secured by mortgage or trust deed, owing to the person, firm, corporation, or association assessed. The term "debt" means those unsecured liabilities owing by the person, firm, corpora- "Credits."

tion, or association assessed to bona fide residents of this state, or firms, associations or corporations doing business therein; but credits, claims, debts, and demands due, owing or accruing for or on account of money deposited with savings and loan corporations or with building and loan associations, shall, for the purpose of taxation be deemed and treated as an interest in the property of such corporation, and shall not be assessed to the creditor or owner thereof.

CHAPTER 178.

An act to amend section four hundred two of the Penal Code, relating to sale or exposure of animals having glanders, farcy, tuberculosis and prescribing penalties for violation of the provision hereof.

[Approved May 19, 1921. In effect July 29, 1921.]

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

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

Penalty for
selling
infected
animals.

402. Any person who shall knowingly sell, or offer for sale, or use, or expose, or who shall cause or procure to be sold, or offer for sale, or used, or exposed, after notification of its condition from a licensed veterinarian or qualified agent of the state department of agriculture any horse, mule or other animal having the disease known as glanders, or farcy, as shown by a reaction to the mallein test, physical examination, or other test, or other examination, recognized by the state department of agriculture; or who shall knowingly sell, or offer for sale, or who shall cause, or procure to be sold, or offered for sale after notification of its condition from a qualified agent of the state department of agriculture any bovine animal having the disease known as tuberculosis as shown by a positive reaction to the tuberculin test, physical examination, or other test, or other examination, recognized by the state department of agriculture, without having first obtained a permit in writing from the state department of agriculture, or its agent; or who shall bring, or cause to be brought, or aid in bringing into this state any sheep, hog, horse or cattle, or any domestic animal, knowing the same to be infected with any contagious disease, shall be guilty of a misdemeanor.

CHAPTER 179.

An act to add a section to the Political Code, to be numbered four thousand eighty-five a, relating to funds and appropriations.

[Approved May 19, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand eighty-five a and to read as follows:

4085a. Whenever a tax is by law required or permitted to be levied at one uniform rate on all the taxable property in the county for the purpose of creating, replenishing or contributing to a fund to be used for particular and specified purposes, the board of supervisors, for the purpose of simplifying the accounting, may provide, as an alternative that the tax rate to be used for such fund shall be added to the general fund tax rate and the expenditures authorized to be paid from any such special fund may be paid from the general fund, through appropriations therefrom; *provided*, that the total thus appropriated from the general fund for the expenditures authorized by law to be paid from any such special fund shall not exceed the total which would have been received if such special tax had been levied and collected separately; *and provided, further*, that any moneys from other sources, in addition to those from taxation, required by law to be deposited in such special fund shall be deposited in the general fund and appropriated for the respective purposes for which expenditures are required to be made from the particular funds. Whenever any appropriation shall be made from the general fund instead of from a special fund as herein permitted, for expenditures otherwise required to be made from such special fund, such appropriation shall not be less than the amount required to be provided in such special fund and shall be used for the particular purposes, and no other, for which such special fund is required to be used.

Appropriations from general fund for special fund.

CHAPTER 180.

An act to amend section six hundred thirty-four of the Penal Code, relating to the protection of fish and game.

[Approved May 19, 1921. In effect July 29, 1921.]

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

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

634. 1. Every person who shall cast, extend or draw, or assist in casting, extending or drawing, any net or seine for

Protection of salmon.

the purpose of taking or catching any salmon at any time during the closed seasons, as provided in this act, or at any time between sunrise of Saturday and sunset of the following Sunday, is guilty of a misdemeanor.

In districts
one to four.

2. Every person who, in fish and game districts numbers one and one and one-half, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who at any time takes, catches or kills more than three salmon during any one calendar day is guilty of a misdemeanor. Every person who, in fish and game district number two, two and one-half, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who at any time takes, catches or kills more than one salmon during any one calendar day, is guilty of a misdemeanor.

Every person who, in fish and game districts numbers three and four, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon is guilty of a misdemeanor. Every person who, in fish and game districts one, one and one-half, two, three and four, between the first day of June and the thirty-first day of July of the same year, both dates inclusive, or between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, takes, catches or kills or has in his possession more than three fresh salmon during any one calendar day, or who buys, sells, offers or exposes for sale any fresh salmon, is guilty of a misdemeanor; *provided*, that nothing in this act shall prohibit the possession or sale at any time of any salmon from without the state, or the possession or sale of any salmon lawfully taken in any fish and game district, except that salmon are not to be sold which are caught at any time in fish and game districts numbers one, one and one-half, two, two and one-half, three or four, or between the sixth day of September and the nineteenth day of September, both dates inclusive, in fish and game district six, or between the first day of March and the thirtieth day of April, both dates inclusive, in fish and game district seven, or between the first day of March and the fifteenth day of April, both dates inclusive, in fish and game district ten, or between the first day of January and the thirty-first day of March, both dates inclusive, in fish and game districts sixteen, seventeen and eighteen.

Tags.

All salmon which may be sold under the provision of this act between the seventeenth day of September and the fourteenth day of November, both dates inclusive, must be inspected and tagged according to regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be paid by the person or persons submitting such salmon for inspection and tagging.

In district
five.

3. Every person who, in fish and game district five, between the first day of December and the thirty-first day of August

of the year following, both dates inclusive, takes, catches or kills any salmon except with hook and line, said hook and line to be used in the manner commonly known as angling, or takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor.

4. Every person who, in fish and game district six, between ^{In district six.} the first day of December and the fourteenth day of April of the year following, both dates inclusive, or between the first day of June and the thirtieth day of June of the same year, both dates inclusive, or between the sixth day of September and the nineteenth day of September of the same year, both dates inclusive, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches or kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than six and one-half inches in length, or who uses any net for the purpose of catching salmon in the daytime between the hours of six a.m. and eight p.m. between the first day of August and the fifth day of September of the same year, both dates inclusive, is guilty of a misdemeanor.

5. Every person who, in fish and game district seven ^{In district seven.} at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the first day of March and the thirtieth day of April of the same year, both dates inclusive, or between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, is guilty of a misdemeanor.

6. Every person who, in fish and game district seven ^{In district seven A.} A at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the first day of December and the thirty-first day of August of the year following, both dates inclusive, takes, catches or kills or has in his possession more than three salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who buys, sells, offers or exposes for sale within the state, salmon caught in district seven A between the first day of December and the thirty-first day of August of the year following, both dates inclusive, is guilty of a misdemeanor;

provided, that in fish and game district seven A angling shall be carried on only by means of lures and with but one hook to the line; *provided, further*, that the provisions of this subsection shall take effect January 1, 1922.

In districts
eight and
nine.

7. Every person who, at any time, in fish and game districts eight and nine, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches or kills more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

In district
ten.

8. Every person who, in fish and game district ten at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the first day of March and the fifteenth day of April, both dates inclusive, or between the tenth day of September and the fourteenth day of November, both dates inclusive, has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

In districts
eleven,
twelve and
thirteen.

9. Every person who, in fish and game districts eleven, twelve, and thirteen, between the first day of June and the thirty-first day of July of the same year, both dates inclusive, and every person who in fish and game districts eleven, twelve, twelve B and thirteen between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches, kills or has in his possession more than three fresh salmon in one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor.

In district
twelve A.

10. Every person who, in fish and game district twelve A, between the first day of May and the thirty-first day of December of the same year, both dates inclusive takes, catches or kills any salmon, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, or takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

In district
fifteen.

11. Every person who, in fish and game district fifteen, from the first day of September to the thirty-first day of March of the year following, both dates inclusive, takes, catches or kills any salmon, or who, at any time takes, catches or kills any salmon in any net, is guilty of a misdemeanor.

12. Every person who, at any time in fish and game districts sixteen, seventeen and eighteen, takes, catches or kills any salmon, except with hook and line, said hook and line to be used in the manner commonly known as angling, or who, between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, or between the thirty-first day of January and the thirty-first day of March, both dates inclusive, has in his possession more than three fresh salmon in any one calendar day, or who buys, sells, offers or exposes for sale any fresh salmon is guilty of a misdemeanor.

In districts sixteen, seventeen and eighteen.

13. For the purpose of this act and all acts relating thereto, only such fish as belong to the genus *Oncorhynchus* shall be considered salmon.

Salmon defined.

14. Nothing in this act shall prevent the fish and game commission of this state, or persons authorized by them, from taking, at all times, and in any manner, such salmon as they may deem necessary for the purpose of propagation, or for scientific purposes.

15. Any violation of any of the provisions of this act shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail of the county in which the conviction shall be had, of not less than fifty days, nor more than six months, or by both such fine and imprisonment, and all fines and forfeitures imposed and collected for violations of the provisions of this act shall be paid into the state treasury, to the credit of the fish and game preservation fund.

Penalties.

CHAPTER 181.

An act to add a new section to the Political Code to be numbered four thousand forty-one e, providing for the acquisition and operation of works for the furnishing of materials and supplies used by counties, cities and districts.

[Approved May 19, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand forty-one e, and to read as follows:

4041e. Counties, cities and irrigation districts may jointly or severally purchase, lease, or otherwise acquire, or operate, manage and control rock quarries, rock plants, sand pits, cement plants, and other works or projects for the extraction, manufacture, or preparation of rock, sand, cement and other materials used by them in performing county, city, or district functions.

County and municipal cement plants.

CHAPTER 182.

An act to add a new section to the Political Code to be numbered four thousand three hundred three, relating to fees of constables and peace officers.

[Approved May 19, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand three hundred three, and to read as follows:

Reward for
arrest of
violators of
game laws.

4303. Any peace officer, constable, marshal or sheriff who arrests and secures evidence which results in the conviction of any person for a violation of any game law of this state shall receive the sum of two and one half dollars. Said sum shall be paid by the fish and game commission out of any funds in their possession.

CHAPTER 183.

An act to amend section three hundred thirty-eight of the Code of Civil Procedure, relating to limitations of actions.

[Approved May 20, 1921. In effect July 29, 1921.]

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

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

Limitations
of actions.

338. Within three years:

1. An action upon a liability created by statute, other than a penalty or forfeiture;
2. An action for trespass upon or injury to real property.
3. An action for taking, detaining, or injuring any goods or chattels, including actions for the specific recovery of personal property;
4. An action for relief on the ground of fraud or mistake. The cause of action in such case not to be deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the fraud or mistake.

CHAPTER 184.

An act to amend section one thousand five hundred twenty-three of the Code of Civil Procedure, relative to sales of personal property by executors or administrators.

[Approved May 20, 1921. In effect July 29, 1921.]

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

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

1523. If claims against the estate have been allowed, and a sale of property is necessary for their payment, or for the expenses of administration, or for the payment of legacies, the executor or administrator may sell all or so much of the personal property as may be necessary therefor. He may also make a sale from time to time, so long as any personal property remains in his hands, and sale thereof is necessary. If it appear for the best interests of the estate, he may, at any time after filing the inventory, in like manner sell the whole or any part of the personal property belonging to the estate, whether necessary to pay debts or not. Such sale to take effect only upon confirmation by the court.

Sale of personal property by executor or administrator.

CHAPTER 185.

An act to amend sections nine hundred forty, nine hundred forty-one and nine hundred fifty-three and to repeal sections nine hundred forty-one a, nine hundred forty-one b and nine hundred forty-one c of the Code of Civil Procedure, relating to notices and undertakings on appeal.

[Approved May 20, 1921. In effect July 29, 1921.]

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

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

940. An appeal is taken by filing with the clerk of the court in which the judgment or order appealed from is entered, a notice stating the appeal from the same, or some specific part thereof.

Notice of appeal.

SEC. 2. Section nine hundred forty-one of the Code of Civil Procedure of California is hereby amended to read as follows:

941. In the event of the death of any person having at his death a right of appeal the attorney of record representing the decedent in the court in which the judgment was rendered may appeal therefrom at any time before the appointment of an executor or an administrator of the estate of the decedent.

If person appealing dies.

SEC. 3. Section nine hundred fifty-three of the Code of Civil Procedure of California is hereby amended to read as follows:

Certification
of copies.

953. The copies provided for in the last three sections must be certified to be correct by the clerk or the attorneys. If it appear that there is any paper or record in the custody of the clerk of the trial court which was before the trial court but which is not included in the record on appeal, and an examination of such paper or record will assist in a determination of the appeal on its merits, the court in which the appeal is pending may, on motion of either party, or on its own motion, require the production of a certified copy of such paper or record, and the same shall thereupon be deemed a part of the record on appeal.

Repealed.

SEC. 4. Sections nine hundred forty-one *a*, nine hundred forty-one *b* and nine hundred forty-one *c* of the Code of Civil Procedure of California are hereby repealed.

CHAPTER 186.

An act to amend section one thousand three hundred eighty-eight of the Civil Code, relating to succession.

[Approved May 20, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one thousand three hundred eighty-eight of the Civil Code is hereby amended to read as follows:

Succession by
illegitimate
child.

1388. The estate of an illegitimate child, who, having title to any estate not otherwise limited by marriage contract, dies without disposing thereof by will, is succeeded to as if he had been born in lawful wedlock if he has been legitimated by a subsequent marriage of his parents, or adopted by his father as provided by section two hundred thirty; otherwise, it is succeeded to as if he had been born in lawful wedlock and had survived his father and all persons related to him only through his father.

CHAPTER 187.

An act to amend sections one, two, six, seventeen, thirty-one, thirty-five, thirty-nine, forty-seven and forty-eight of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of

acts inconsistent herewith,' approved May 15, 1915,' approved May 28, 1917, as amended, and to add a new section thereto to be numbered twenty-one and three-quarters.

[Approved May 20, 1921. In effect July 20, 1921.]

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

SECTION 1. Section one of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 15, 1915," approved May 28, 1917, as amended, is hereby amended to read as follows:

Stats. 1919,
p. 427,
amended.

Section 1. The State of California is hereby divided into fish and game districts to be known and designated as: Fish and game district one, fish and game district one and one-half, fish and game district one "A," fish and game district one "B," fish and game district one "C," fish and game district one "D," fish and game district one "E," fish and game district one "F," fish and game district one "G," fish and game district one "H," fish and game district one "I," fish and game district one "J," fish and game district one "K," fish and game district one "L," fish and game district one "M," fish and game district two, fish and game district two "A," fish and game district three, fish and game district three "A," fish and game district three "B," fish and game district three "C," fish and game district three "D," fish and game district three "E," fish and game district three "F," fish and game district four, fish and game district four and one-half, fish and game district four "A," fish and game district four "B," fish and game district four "C," fish and game district four "D," fish and game district four "E," fish and game district five, fish and game district six, fish and game district seven, fish and game district seven "A," fish and game district eight, fish and game district nine, fish and game district ten, fish and game district eleven, fish and game district twelve, fish and game district twelve "A," fish and game district twelve "B," fish and game district thirteen, fish and game district fourteen, fish and game district fifteen, fish and game district sixteen, fish and game district seventeen, fish and game district eighteen, fish and game district nineteen, fish and game district twenty, fish and game district twenty "A," fish and game district twenty-one, fish and game district twenty-two, fish and game district twenty-three, fish and game district twenty-four, fish and game district twenty-five and fish and game district twenty-six.

State
divided into
fish and game
districts.

Stats. 1919,
p. 428,
amended.

District one.

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

Sec. 2. Fish and game district one shall consist of and include the following counties: Yuba, Calaveras, Tuolumne, Mariposa, Madera and Kings, and those portions of Modoc county not included in fish and game districts one "B" and one "C"; those portions of Trinity county not included in fish and game district one "D"; those portions of Shasta county not included in fish and game district one "E"; those portions of Lassen county not included in fish and game districts one "F" and twenty-five; those portions of Tehama county not included in fish and game districts one "G" and twelve "A"; those portions of Plumas county not included in fish and game districts one "H" and twenty-five; those portions of Butte county not included in fish and game districts twelve "A" and twelve "B"; those portions of Sutter county not included in fish and game districts twelve "A" and twelve "B"; those portions of Sierra and Nevada counties not included in fish and game district twenty-three; those portions of Placer county not included in fish and game districts one "I" and twenty-three; those portions of El Dorado county not included in fish and game district twenty-three; those portions of Sacramento county not included in fish and game districts twelve "B"; those portions of Amador county not included in fish and game districts one "J" and twenty-four; those portions of Alpine county not included in fish and game districts one "J" and twenty-four; those portions of San Joaquin county lying east and north of the east or right-hand bank of San Joaquin river and not included in fish and game districts three and twelve "B"; those portions of Stanislaus county lying east of the west bank of San Joaquin river; those portions of Merced county lying east of the west bank of the San Joaquin river; those portions of Fresno county lying east of the west bank of Fresno slough, Fish slough and Summit lake, not included in fish and game districts one "K" and twenty-six; those portions of Kings county east of the main power line of the San Joaquin Light and Power Company, crossing the north line of Kings county, in section four, township eighteen south, range nineteen west, Mount Diablo base and meridian, and crossing the south line of said county on the section line between sections thirty-three and thirty-four, township twenty-four south, range nineteen west, Mount Diablo base and meridian; those portions of Kern county lying east of the west bank of Bull slough and the west and south banks of Buena Vista lake to the southeast corner of the lake and lying north of a line extended from this point directly east and intersecting the Tejon state highway and lying east of the said state highway from the above mentioned point of intersection to where the said state highway crosses the northern boundary line of Los Angeles county, not included in fish and game districts one "L" and one "M" and those portions of Tulare county not included in fish and game district one "L."

SEC. 3. Section six of said act is hereby amended to read as follows: Stats. 1917,
p. 1049,
amended.

Sec. 6. Fish and game district one "D" shall consist of and include that certain territory embraced in the Trinity National Forest, more particularly described as follows, to wit: District
one "D."

(a) Sections nineteen, thirty, thirty-one, and thirty-two of township thirty-four north, range eleven west; sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty, thirty and thirty-one of township thirty-three north, range eleven west; sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-three, thirty-four, thirty-five, thirty-six of township thirty-four north, range twelve west; sections thirty-one to thirty-six, inclusive, township thirty-five north, range twelve west; sections one, two, three, four, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six of township thirty-three north, range twelve west; sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-nine and thirty of township thirty-two north, range twelve west; all in Mount Diablo base and meridian in the State of California; and

(b) Sections twenty-eight, thirty-one, thirty-two, thirty-three of township four north, range eight east; and sections four, five, six, seven, eight, nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-two, thirty-three, township three north, range eight east; all in Humboldt base and meridian in the State of California.

SEC. 5. Section seventeen of said act is hereby amended to read as follows: Stats. 1917,
p. 1033,
amended.

Sec. 17. Fish and game district three shall consist of and include those portions of Contra Costa county not in fish and game districts three "F," twelve and twelve "B"; those portions of San Joaquin county not included in fish and game districts one and twelve "B"; those portions of Alameda county not included in fish and game districts twelve and thirteen; those portions of San Francisco county not included in fish and game districts ten, eleven, twelve and thirteen; those portions of San Mateo county not included in fish and game districts ten and thirteen; those portions of Santa Clara county not included in fish and game district thirteen; those portions of Santa Cruz county not included in fish and game districts three "A," ten, fourteen, fifteen and seventeen; those portions of San Benito county not included in fish and game district District
three.

three "B"; those portions of Monterey county not included in fish and game districts sixteen, seventeen and eighteen; those portions of San Luis Obispo county not included in fish and game district eighteen; those portions of Santa Barbara county not included in fish and game districts three "C" and nineteen; those portions of Ventura county not included in fish and game districts three "D" and nineteen; those portions of Stanislaus county not included in fish and game district one; those portions of Merced county not included in fish and game district one; those portions of Fresno county not included in fish and game district one, one "K" and twenty-six; those portions of Kings county not included in fish and game district one; those portions of Kern county not included in fish and game district one and one "L."

SEC. 6. A new section is hereby added to said act to be numbered twenty-one and three-quarters and to read as follows:

District
three "F".

Sec. 21 $\frac{3}{4}$. Fish and game district three "F" shall consist of and include all of sections twenty-nine, thirty, thirty-one and thirty-two, township one north, range one east, all of sections five, six, seven and eight, township one south, range one east, all of sections twenty-five, twenty-six, thirty-five and thirty-six of township one north, range one west, all of sections one, two, eleven and twelve of township one south, range one west, all in San Bernardino base and meridian.

Stats. 1917,
p. 1058,
amended.

SEC. 7. Section thirty-one of said act is hereby amended to read as follows:

District
seven.

Sec. 31. Fish and game district seven shall consist of and include the ocean waters and the tidelands of the state to high water mark lying between a line extending due west from the extreme point of Mussel point, in Humboldt county, and the southern boundary of Mendocino county, and shall exclude the ocean waters between the north and south jetties at the entrance to Humboldt bay from the westerly end of each of said jetties in the Pacific ocean to their respective aprons on the shores of Humboldt bay, and shall also exclude all sloughs, streams and lagoons.

Stats. 1917,
p. 1058,
amended.

SEC. 8. Section thirty-five of said act is hereby amended to read as follows:

District
ten.

Sec. 35. Fish and game district ten shall consist of and include the ocean waters and the tidelands of the state to high water mark lying between the south boundary of Mendocino county and a line extending southwest from the extreme westerly point of Point Santa Cruz, in Santa Cruz county; and shall include the waters of Tomales bay, and shall be exclusive of all that portion of Bolinas bay lying inside of Bolinas bar, and of San Francisco bay lying east of a line drawn from Point Bonita to Point Lobos, and of all rivers, streams and lagoons.

SEC. 10. Section thirty-nine of said act is hereby amended to read as follows: Stats. 1917,
p. 1059,
amended.

Sec. 39. Fish and game district twelve "B" shall consist of and include all waters and tidelands to high water mark of the Carquinez straits not included within fish and game district twelve, the waters and tidelands to high water mark of Suisun bay, all waters of the Sacramento river flowing within the main channel between the mouth thereof and the bridge across said river at Colusa; the main channel of Steamboat slough and Sutter slough; the waters of New York slough and Broad slough; all waters of the San Joaquin river flowing within the main channel thereof to the Santa Fe railroad bridge across said river near Stockton; all waters of Old river between its mouth and the Santa Fe railroad bridge across said river at Orwood, and all lands and waters between the west bank of Old river and the east bank of the San Joaquin river north of the Santa Fe railroad between Orwood and the Santa Fe railroad bridge across said river near Stockton, and excluding all tributary sloughs, creeks, bays, rivers and overflowed areas not specifically described herein. District
twelve "B."

SEC. 11. Section forty-seven of said act is hereby amended to read as follows: Stats. 1917,
p. 1061,
amended.

Sec. 47. Fish and game district twenty shall consist of and include Santa Catalina island and the portion of the state waters on the easterly and northerly side of said island lying between a line extending southeast from Southeast rock and a line extending northeast from Lien's head. District
twenty.

SEC. 12. Section forty-eight of said act is hereby amended to read as follows: Stats. 1917,
p. 1061,
amended.

Sec. 48. Fish and game district twenty "A" shall consist of and include all the state waters lying around Santa Catalina island not included in fish and game district twenty. District
twenty "A."

CHAPTER 188.

An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than one hundred thousand persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium, and repealing all acts in conflict therewith.

[Approved May 20, 1921. In effect July 20, 1921.]

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

SECTION 1. Any cemetery corporation or association owning or controlling any cemetery within the boundaries of an incorporated city, city and county or town in this state having a Abandon-
ment of
cemeteries.

population of not less than one hundred thousand persons wherein burial of the human dead has been prohibited by law or ordinance of said city, city and county or town, for a period of fifteen years or more, may, by resolution of its board of directors or other governing body, when ratified and approved by a majority vote of the lot owners and holders of such corporation or association who are entitled to vote at elections held by such corporation or association, voting at any regular meeting of the cemetery corporation or association or at a meeting specially called for that purpose, declare for the abandonment in whole or in part of such cemetery as a burial place for the human dead, and for the removal of the human remains interred therein to another cemetery or cemeteries without the boundaries of said city, city and county or town, or for the depositing of such remains in a memorial mausoleum or columbarium, as hereinafter provided. Any corporation sole or other person owning or controlling any such cemetery in any incorporated city, city and county, or town of this state may also declare for the abandonment in whole or in part of any such cemetery owned or controlled by such corporation sole or other person, and for the removal of human remains interred therein to a cemetery or cemeteries without the boundaries of such incorporated city, city and county or town, or the depositing of such remains in a memorial mausoleum or columbarium, as hereinafter provided.

Removal
of remains.

SEC. 2. Any resolution or declaration for abandonment and removal duly adopted and made under the provision of section one of this act shall specify and declare that at any time after the expiration of ten months from and after the first publication of the notice of declaration of abandonment and removal required to be published under the provisions of section three of this act the human remains then remaining in any such cemetery or part thereof will be removed by such cemetery corporation, association, corporation sole or other person owning or controlling such cemetery.

Notice of
abandonment.

SEC. 3. Notice of the said declaration of abandonment and of the proposed removal of the human remains from any such cemetery or part thereof shall be given to all persons interested therein by publication in a newspaper of general circulation published in the incorporated city, city and county, or town, wherein said cemetery or part thereof is situated, which publication shall be made once a week for two successive months. Said notice shall be entitled "Notice of declaration of abandonment of lands for cemetery purposes and of intention to remove the human bodies interred therein," and shall specify a date, not less than ten months after the first publication of such notice when the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands and causing such notice to be published will proceed to remove the human remains then remaining in such cemetery or part thereof. Copies of said notice so published shall within ten days after the first publication thereof be

posted in at least three conspicuous places in the said cemetery or part thereof from which said removals of the human remains interred therein are to be made, and a further copy of said notice shall be mailed to every person who owns or holds or has the right of burial in any lot or plat in said cemetery or part thereof affected by such resolution or declaration of abandonment and removal whose name appears as such owner or holder upon the records of such cemetery, which such notice so mailed shall be addressed to the last known postoffice address of said respective lot owner or lot holder as the same appears from the records of said cemetery, and if no such address appears or is known, then the same shall be addressed to such person at the city, city and county or town wherein said cemetery land is situated; such notice shall be mailed to each known living heir-at-law of any person whose remains are resting in said cemetery, when the address of such heir is known.

SEC. 4. After the completion of the publication, posting and mailing of the "Notice of declaration of abandonment of lands for cemetery purposes and of intention to remove the human bodies interred therein," as provided for in section three of this act, and after the expiration of the period of ten months specified in said notice, any cemetery corporation, association, corporation sole or other person owning or controlling any such cemetery shall have power to cause the removal of all human remains interred in any such cemetery or part thereof to be abandoned as a cemetery or burial place for the dead, and to cause the reinterment in other cemeteries in this state where burials are permitted, or to deposit the said remains in a mausoleum or columbarium erected for that purpose, without further notice to any person claiming any interest in said cemetery or part thereof, or in the remains therein interred: *provided, however*, that at any time before the date fixed for the removal of such remains by the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands, any relative or friend of any person whose remains are interred in such cemetery or part thereof from which it is proposed to make such removals may give such cemetery corporation, association, corporation sole or other person proposing to make such removals written notice that he or she desires to be present when such remains of a friend or relative so giving notice are disinterred or are reinterred or deposited in such mausoleum or columbarium. Such notice shall state the name of the person whose remains are referred to, and, as accurately as possible, shall describe the lot or plat where the remains are buried and the date of burial, and shall specify an address at which the notice hereinafter in this section provided for may be given. Such notice may be delivered at the office or principal place of business of said cemetery corporation, association, corporation sole, or other person owning or controlling such cemetery lands and proposing to make such removals, or may be forwarded thereto by registered mail.

Disposal
of remains
not
removed.

Notice of
desire to be
present at
disinter-
ment.

Upon receipt of any such notice before the date fixed for the removal of said remains by the cemetery corporation, association, corporation sole or other person proposing to make such removals, it shall be the duty of said cemetery corporation, association, corporation sole or other person to give written notice to the person giving the notice hereinabove provided of the time when such remains shall be disinterred and of the time when and the place where the same will be reinterred or deposited. Said last named notice may be given by delivery thereof at the address stated in the notice first above referred to or by mailing the same to the person giving such notice at such address, such delivery or mailing to be made at least ten days prior to the date specified for the disinterment of such remains. Whenever such written notice shall be given by a relative or friend of any person interred in such cemetery lands from which such removals are proposed to be made said cemetery corporation, association, corporation sole, or other person owning or controlling said cemetery lands and proposing to remove the bodies interred therein shall not disinter the remains referred to in said notice until the notice of the time of such disinterment is given such relative or friend, as herein provided.

Voluntary
removal
of remains.

SEC. 5. At any time prior to the removal by said cemetery corporation, association, corporation sole or other person owning or controlling said cemetery lands, of the remains of any person buried therein, any relative or friend of said person may voluntarily remove such remains and dispose of the same as he may desire; *provided, however*, that the person desiring to cause such removal shall, prior to such removal, deliver to said cemetery corporation, association, corporation sole or other person owning or controlling such cemetery an affidavit duly sworn to before an officer qualified to administer oaths, stating the name of the person whose remains it is desired to remove and further stating, so far as is known to affiant, the date of burial of such remains and the names and places of residence of the heirs at law of such deceased person. In the event that the person desiring to cause such removal is not an heir at law of the person whose remains he desires to remove, such removal shall not be made by him until he shall have delivered to said cemetery corporation, association, corporation sole or other person owning or controlling such cemetery the written consent of a majority of the known heirs at law of such deceased persons who are residents of the State of California. The statements in the said affidavit shall be sufficient evidence of the numbers, names and residences of such heirs at law for all of the purposes of this section, and the written consent of the majority of such heirs at law named in said affidavit shall be sufficient warrant and authority for the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery to permit the removal of the remains by such person; *and provided, further*, that the purchaser or owner of any burial lot or plat in any such cemetery

Affidavit
of person
removing
remains.

Removal
by owner
of plat.

or part thereof, or of the right of burial therein, or any one of the joint purchasers or owners of such lot or plat or burial right therein, may cause the removal of any or all of the remains interred in such lot or plat without the necessity of filing any affidavit of consent as hereinabove specified; and if the right, title or interest of any grantee of any burial lot or plat in such cemetery or the right of burial therein shall be passed by succession to the heir or heirs at law of such grantee without formal distribution by order of court, such heir or heirs at law may remove the remains of persons interred in any such lot or plat, and the affidavit of any such heir at law setting out the facts of such heirship shall be accepted by the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands from which such removals are to be made as sufficient evidence for all the purposes of this section of the fact of the transfer of such title or right of burial to such heir or heirs at law, as alleged in said affidavit.

SEC. 6. Whenever under the provisions of this act the remains of any person shall have been removed from any such cemetery or part thereof abandoned as such burial place under the provisions of the act by the cemetery corporation, association, corporation sole or other person having charge or control of such cemetery lands, such remains shall be transported to and reinterred in any other cemetery in this state where burials are permitted by such cemetery corporation, association, corporation sole or other person having charge or control of said cemetery lands, or part thereof, or deposited in a mausoleum or columbarium as herein provided. The remains of each person so reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under such rules and regulations now in force or that may hereafter be adopted by such cemetery corporation, association, corporation sole or other person making such removal. If the remains of any such person so removed from said cemetery lands are deposited in a memorial mausoleum or columbarium built for that purpose each body so removed shall be enclosed in a separate and suitable receptacle or container and shall be so deposited in a decent and respectful manner, in accordance with such rules and regulations now existing or that may hereafter be adopted by such cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands.

SEC. 7. Whenever the remains of any person shall have been removed from any cemetery by any relative or friend of such person, under the provisions of this act, the person causing such removal shall also be entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the grave from which such remains have been removed, and the affidavit or written consent given under the provisions of the preceding section shall be sufficient warrant and authority for the cemetery corporation, association, corpo-

Reinterment
of remains.

Removal
of monu-
ment.

ration sole or other person owning or controlling such cemetery to permit such removal of any vault, monument, headstone, coping or other improvement appurtenant to such grave. Whenever the remains of any person buried in any lot or plat shall have been removed and any vault, monument, headstone, coping or other improvement appurtenant thereto shall remain on said lot or plat for more than ninety days after the removal of the last human remains therefrom, such vault, monument, headstone, coping or other improvement may be removed and disposed of by the cemetery corporation, association, corporation sole, or other person owning or controlling such cemetery lands, and thereafter no person claiming any interest in said lot or plat, or any such vault, monument, headstone, coping or other improvement appurtenant thereto, shall have the right to maintain in any court any action in relation to any such vault, monument, headstone, coping or other improvement so removed or disposed of.

Sale, etc.,
of land.

SEC. 8. Whenever such a cemetery or part thereof has been abandoned as a cemetery or place of burial for the human dead as provided for in section one of this act by the cemetery corporation, association, corporation sole or other person owning or controlling the same, the parts or portions thereof in which no interments had been made, and such parts and portions thereof from which all human remains have been removed, may be sold by the cemetery corporation, association, corporation sole or other persons owning or controlling such cemetery lands, or may be mortgaged or otherwise pledged as security for any loan or loans made to such cemetery corporation, association, corporation sole or other person owning, or controlling such cemetery lands. No order of any court shall be required prior to the making of any such sale mortgage, pledge or other encumbrance of such lands abandoned for cemetery purposes or from which the human remains have been removed; *provided, however*, that any sale of such cemetery lands made by any cemetery corporation or association controlled by a board of directors or other governing body shall be fairly conducted and the price paid therefor must be fair and reasonable and all such sales must be confirmed, as to the fairness and reasonableness of the price paid, by the superior court of the county, or city and county in which such lands are situated. Petitions for confirmation of such sales by cemetery corporations and associations governed by a board of directors or other governing body shall be made to the superior court of the county or city and county wherein such lands are situated, and the clerk of said court shall fix a day for the hearing and give notice thereof in accordance with the provisions of section one thousand five hundred fifty-two of the Code of Civil Procedure of the State of California relating to confirmation of sales of real estate by an executor or administrator.

Confirma-
tion of
sale.

SEC. 9. Whenever any cemetery corporation or association shall have resolved upon the abandonment of any cemetery or part thereof and the removal of the human remains therefrom, under the provisions of this act, such cemetery corporation or association shall have power to employ any moneys in its treasury to defray the expense of such abandonment and removal, including the expense of purchasing or otherwise providing a suitable place for the interment or depositing of such remains in any other cemetery, mausoleum or columbarium in this state; also including the expenses of disinterment, transportation and reinterment, or the depositing of such remains in such mausoleum or columbarium; also the expenses of the removal and disposal of such vaults, monuments, headstones, copings or other improvements which may remain after the human bodies are removed from any such cemetery or part thereof; also including all necessary expenses incident to the sale or mortgaging of any of said lands; also all other expenses necessarily incurred in carrying out such abandonment of such cemetery lands and the removal and reinterment or disposing of the bodies so removed, and all other expenses incident to any of the above purposes. Any moneys remaining in the treasury of such cemetery association or corporation after making the removal and reinterment of the bodies from such cemetery lands shall be retained and used as a fund for the perpetual maintenance and care of the cemetery lands wherein such bodies so removed have been interred, or for the maintenance and care of any memorial mausoleum or columbarium in which said human remains have been deposited, or such fund may be used for such other purposes as such cemetery corporation or association may lawfully declare.

Expenses
of
abandon-
ment.

SEC. 10. Whenever any such cemetery corporation, association, corporation sole or other person owning or controlling any such cemetery lands from which the bodies interred therein are to be removed, in accordance with the provisions of this act, shall have purchased or otherwise acquired any lands or mausoleum or columbarium, or the possession or use thereof, for the purpose of providing a place for the reinterment or depositing of any human remains which may be removed from any such abandoned cemetery or part thereof, such new lands may be surveyed and subdivided into lots and plats and avenues and walks for cemetery purposes; and any such mausoleum and columbarium, or any part thereof, may be divided into niches, compartments or receptacles for the receipt of such remains as may be therein deposited. Thereafter such lots or plats, niches, compartments or receptacles may be sold to persons desiring to make reinterments or to deposit human remains therein and the board of directors or other governing body of any such cemetery corporation or association may receive and accept as part or full consideration for the purchase price of such new lots or plats, niches, compartments or receptacles and under such terms and conditions as to the value or price thereof as the said

Providing
place for
reinterment.

directors or other governing body may seem equitable, full or partial releases from the members of such corporation of their respective right in or to the whole or any part of the assets of said corporation or association other than the lot or plat, niche, compartment or receptacle conveyed to such purchasers respectively. Any retransfer to said cemetery corporation or association of any lot or plat in the cemetery from which the removal of the human remains are to be made shall operate as such a release. Sufficient lands may be reserved from any such cemetery lands abandoned as a burial place for the dead and from which the human remains have been removed to erect a memorial mausoleum or columbarium for the depositing of the bodies disinterred from such cemetery lands and to provide sufficient grounds around the same and to preserve such historical vaults or monuments as the board of directors or other governing body of any such cemetery corporation or association may determine to be proper or necessary.

Markers
and map
of plats.

SEC. 11. After the removal and reinterment or deposit in a mausoleum or columbarium of the bodies disinterred from any such abandoned cemetery or part thereof the cemetery corporation, association, corporation sole or other person owning or controlling such abandoned cemetery lands and making such removals shall cause to be erected upon or imbedded in any lot or plat wherein any such body is reinterred a suitable permanent marker identifying such remains, and shall prepare a complete map or plat describing and showing the location and subdivision into lots and plats of the cemetery lands where such bodies are reinterred, or a plan of any mausoleum or columbarium wherein such bodies may be deposited; and there shall also be attached to any such plan or plans a description of the name of each person whose body is so reinterred or deposited, where known, and the lot or plat in the cemetery, or the niche or compartment in any mausoleum or columbarium, where such body is reinterred or deposited; such map or plan shall be kept on file in the office of such cemetery corporation, association, corporation sole or other person making such removals and reinterments or depositing bodies in a mausoleum or columbarium, and shall at all times be open to inspection by the relatives or friends of those so reinterred or deposited.

Declaration
that all
remains
have been
removed.

SEC. 12. After the removal of all human remains interred in any part or the whole of the cemetery lands abandoned as a burial place for the human dead as in this act provided, the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands may file for record in the office of the county recorder of the county or city and county in which such lands are situated a written declaration reciting that all human remains have been removed from the part or portion of such lands described in such declaration. Such declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers

of such cemetery corporation or association or by the incumbent of any such corporation sole or by the person owning or controlling such cemetery lands, and thereafter any deed, mortgage or other conveyance of any part of said lands shall be conclusive evidence in favor of any grantee or mortgagee therein named, his successor or assigns of the fact of the complete removal of all human bodies therefrom.

SEC. 13. Whenever any cemetery corporation or association having a board of directors or other governing body shall have caused the removal from any cemetery or part thereof owned by it, or under its charge or control the human remains therein interred, and said cemetery corporation or association shall have funds in its treasury which are not required for other purposes of said corporation, said corporation shall have power to set aside, invest, use and apply from such unexpended funds such sum as, in the judgment of the directors of said corporation, shall be necessary or expedient to provide for the perpetual or other care or improvement of any lands or mausoleum or columbarium or part thereof in which said remains may be reinterred or deposited; *provided, however,* that in lieu of itself investing, using or applying said funds for the purposes in this section specified, said cemetery corporation may transfer said funds to any other corporation under such conditions and regulations as in the judgment of the directors of said cemetery corporation will insure the application thereof to the purposes in this section specified; *and provided, further,* that before any such transfer of such funds is made said cemetery corporation or association shall have obtained an order authorizing such transfer from the superior court of the county or city and county where the cemetery or part thereof abandoned under the provisions of this act is situated. Such order shall be obtained upon petition of said cemetery corporation, and any member of said corporation may support or oppose the granting of the order by affidavit or otherwise. Before making the order, proof must be made to the satisfaction of the court that notice of the application for leave to transfer such funds has been given by publication in such manner and for such time as the court has directed, and that it is for the best interests of the said cemetery corporation that such transfer be made.

Care of
lands in
which
remains
are
reinterred.

SEC. 14. In the disinterment, transportation and removal of human remains made under the provisions of this act, it shall not be necessary for the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery, to obtain from the board of health or health officer of the city, city and county or town where such cemetery lands are located, a separate permit for the disinterment, transportation or removal of the remains of each person so disinterred, transported or removed, but such disinterment, transportation and removal of such human remains shall be made subject to such reasonable rules and regulations relative to the manner of disinterring, transporting or removing such

Board of
health
rules
governing
disinter-
ment.

remains as may be adopted by the board of health or health officer of the city, city and county or town wherein such cemetery lands are situated.

Removal
from
church
cemetery.

SEC. 15. Nothing in this act contained shall authorize or permit, or be construed or deemed to authorize or permit, the heirs, relatives or friends of any deceased person whose body has been interred in any cemetery owned, governed or controlled by any religious corporation or by any church or religious society or any denomination or by any corporation sole administering temporalities of any religious denomination, society or church or owned, governed or controlled by any person or persons as trustee or trustees for any religious denomination, society or church to disinter, remove reinter or dispose of any such body except in accordance with the rules, regulations and discipline of such religious denomination, society or church.

Con-stitu-
tionality.

SEC. 16. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Repealed.

SEC. 17. All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 189.

An act to amend section one thousand four hundred fourteen of the Code of Civil Procedure, relating to bond of special administrator.

[Approved May 20, 1921. In effect July 20, 1921.]

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

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

Bond of
special ad-
ministrator.

1414. Before any letters issue to any special administrator, except to a public administrator, he must give bond in such sum as the court or judge may direct, with sureties to the satisfaction of the court or judge, conditioned for the faithful performance of his duties; and he must take the usual oath, and have the same endorsed on his letters.

CHAPTER 190.

An act to amend sections one thousand five hundred seventeen, one thousand five hundred twenty-six, one thousand five hundred fifty, one thousand five hundred fifty-one, one thousand five hundred fifty-nine, and one thousand five hundred ninety-eight, of the Code of Civil Procedure, relating to the sale and conveyance of the property of decedents.

[Approved May 20, 1921. In effect July 29, 1921.]

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

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

1517. All sales of property must be under oath, reported to and confirmed by the court, before the title to the property passes. Confirmation of sales.

SEC. 2. Section one thousand five hundred twenty-six of the Code of Civil Procedure is amended to read as follows:

1526. The sale of personal property may be made at public auction or private sale, for cash, and after public notice given for at least ten days by notices posted in three public places in the county, or by publication in a newspaper in the county, or both, as the executor or administrator may determine, containing the time and place of sale, and a brief description of the property to be sold, the property to be sold be perishable property, in which latter case at least one day's notice by posting as aforesaid shall be given. Public sales must be made at the courthouse door, or at some other public place, or at the residence of the decedent; but no sale shall be made of any personal property which is not present at the time of sale, unless the court shall otherwise order. Sale at public auction or private sale.

SEC. 3. Section one thousand five hundred fifty of the Code of Civil Procedure is hereby amended to read as follows:

1550. No sale of real estate at private sale shall be confirmed by the court, unless the sum offered is at least ninety per cent of the appraised value thereof, nor unless such real estate has been appraised within one year of the time of such sale. If it has not been so appraised, or if the court is satisfied that the appraisement is too high or too low, a new appraisement must be had, as in the case of an original appraisement of an estate. This may be done at any time before the sale or the confirmation thereof. Appraisement.

SEC. 4. Section one thousand five hundred fifty-one of the Code of Civil Procedure is hereby amended to read as follows:

1551. The executor or administrator must, when the sale is made upon a credit, take the notes of the purchaser for the purchase money, with a mortgage or deed of trust on the property to secure their payment. Sale upon credit.

SEC. 5. Section one thousand five hundred fifty-nine of the Code of Civil Procedure is hereby amended to read as follows:

Sale by
real estate
agent.

1559. Any executor or administrator may enter into a contract with any bona fide real estate agent to secure a purchaser for any real property belonging to an estate, which contract shall provide for payment to such agent out of the proceeds of sale to any purchaser secured by him of a commission, the amount of which must be fixed and allowed by the court upon confirmation of the sale. If a sale to a purchaser obtained by such agent is returned to the court for confirmation and said sale be confirmed to such purchaser, such contract shall be binding and valid as against the estate for the amount so fixed and allowed by the court.

By the execution of any such contract no personal liability shall attach to the executor or administrator, and no liability of any kind shall be incurred by the estate unless an actual sale is made and confirmed to the purchaser procured by said agent.

In case of sale on an increased bid made at the time of confirmation to a purchaser not procured by said agent, the court may allow a commission to the bona fide real estate agent procuring such other purchaser, on the full amount of such sale.

SEC. 6. Section one thousand five hundred ninety-eight of the Code of Civil Procedure hereby is amended to read as follows:

Petition to
make
conveyance.

1598. On the presentation of a verified petition by the executor or administrator, or by any person claiming to be entitled to such conveyance from an executor or administrator, setting forth the facts upon which the claim is predicated, the court, or a judge thereof, shall appoint a time and place for hearing the petition, and shall order notice thereof to be served on the executor or administrator personally when he is not the petitioner, and to be published at least once a week for four successive weeks before such hearing, in such newspaper in the county as the court or judge thereof may designate; *provided, however*, that if such contract was of record at the date of the death of the person executing such contract, then in that event notice of such hearing may be given by serving such notice on the executor or administrator personally, when he is not the petitioner, and posting such notice in three public places in the county where the court is held for at least ten days prior to the day fixed for hearing.

CHAPTER 191.

An act to amend section one thousand five hundred ninety-two of the Code of Civil Procedure, relating to investment of moneys of estates.

[Approved May 20, 1921. In effect July 29, 1921.]

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

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

1592. Pending the settlement of any estate, on the petition of any person interested therein, and upon good cause shown therefor, the court may order any money in the hands of the executors or administrators to be invested for the benefit of the estate in securities of the United States or of this state.

Investment
of moneys of
estate
pending
settlement.

Such order can only be made after ten days notice of the hearing of the said petition, by notice posted in three public places in the county, or by publication in a newspaper in the county or both, as the court or a judge thereof shall direct.

CHAPTER 192.

An act to amend sections nine hundred seventy-four and nine hundred seventy-five of the Code of Civil Procedure, relating to appeals to superior courts.

[Approved May 20, 1921. In effect July 29, 1921.]

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

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

974. Any party dissatisfied with the judgment rendered in an civil action in a police or justice's court, may appeal therefrom to the superior court of the county, at any time within thirty days after notice of the rendition of the judgment. The appeal is taken by filing a notice of appeal with the justice or judge, and serving a copy on the adverse party. The notice must state whether the appeal is taken from the whole or a part of the judgment, and if from a part, what part, and whether the appeal is taken on questions of law or fact or both.

Appeals to
superior
courts.

SEC. 2. Section nine hundred seventy-five of the Code of Civil Procedure is hereby amended to read as follows:

975. When a party appeals to the superior court on a question of law alone, he must, within ten days after notice of the rendition of judgment, prepare a statement of the case and file the same with the justice or judge. The state-

Appeal on
question
of law.

ment must contain the grounds upon which the party intends to rely upon the appeal, and so much of the evidence, as may be necessary to explain the grounds, and no more. Within ten days after receiving notice that the statement is filed, the adverse party, if dissatisfied with the same, may file amendments. The proposed statement and amendments must be settled by the justice or judge, and if no amendment be filed the original statements stand as adopted. The statement thus adopted or as settled by the justice or judge, with a copy of the docket of the justice or judge, and all motions filed with him by the parties, during the trial and the notice of appeal, may be used on the hearing of the appeal before the superior court.

CHAPTER 193.

An act to amend section four thousand one hundred fifty-three of the Political Code, relating to the duties of the district attorney.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

Duties of
district
attorney.

4153. The district attorney is the public prosecutor, and must:

1. Attend the courts, and conduct, on behalf of the people, all prosecutions for public offenses.
2. Institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in criminal proceedings in the superior court, or in civil cases on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.
3. Draw all indictments and informations, defend all suits brought in his county against the state or his county wherever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county.
4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.
5. On the first Monday of each month file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the county treasurer.

6. Give, when required, and without fee, his opinion in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

7. Prepare, without fee, upon request of any board of education, board of school trustees or high school board, all the legal papers and forms necessary for the voting of school bond issues within the county and advise such boards as may be necessary in relation to school bond issues.

8. When requested by the auditor or treasurer so to do, defend or prosecute, except as hereinafter provided, any action brought by or against the auditor or treasurer for the purpose of testing the validity or constitutionality of any act of the legislature providing for the payment of county funds or funds held in trust by the county in those cases only where the interest of the county is not adverse; provided, that in counties having a freeholders charter creating the office of county counsel, it shall be the duty of the county counsel to defend or prosecute any such action and any and all other civil actions or proceedings in which the county or any other officer thereof is concerned or is a party and to perform all the duties mentioned in subdivisions 6 and 7 of this section.

CHAPTER 194.

An act to amend sections three thousand ninety-one, three thousand ninety-two, three thousand ninety-four, three thousand one hundred forty-nine, three thousand one hundred fifty-seven, three thousand one hundred sixty-six, three thousand one hundred seventy-two, three thousand one hundred ninety-five, three thousand two hundred twenty-seven, three thousand two hundred forty-nine, three thousand two hundred fifty and three thousand two hundred sixty-six of the Civil Code, relating to negotiable instruments.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section three thousand ninety-one of the Civil Code is hereby amended to read as follows:

3091. The instrument need not follow the language of this title, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof. Language of instrument.

SEC. 2. Section three thousand ninety-two of the Civil Code is hereby amended to read as follows:

3092. Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance or indorsement as the case may be. True date.

SEC. 3. Section three thousand ninety-four of the Civil Code is hereby amended to read as follows:

Insertion of date.

3094. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

SEC. 4. Section three thousand one hundred forty-nine of the Civil Code is hereby amended to read as follows:

Liability of indorsers.

3149. As respects one another indorsers are liable prima facie in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

SEC. 5. Section three thousand one hundred fifty-seven of the Civil Code is hereby amended to read as follows:

When person liable is dead.

3157. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative if such there be, and if, with the exercise of reasonable diligence, he can be found.

SEC. 6. Section three thousand one hundred sixty-six of the Civil Code is hereby amended to read as follows:

Time of payment.

3166. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday.

SEC. 7. Section three thousand one hundred seventy-two of the Civil Code is hereby amended to read as follows:

Notice of dishonor.

3172. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

SEC. 8. Section three thousand one hundred ninety-five of the Civil Code is hereby amended to read as follows:

When notice of dishonor is not required.

3195. Notice of dishonor is not required to be given to the drawer in either of the following cases:

- (1) Where the drawer and drawee are the same person;
- (2) When the drawee is a fictitious person or a person not having capacity to contract;
- (3) When the drawer is the person to whom the instrument is presented for payment;
- (4) Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument;

(5) Where the drawer has countermanded payment.

SEC. 9. Section three thousand two hundred twenty-seven of the Civil Code is hereby amended to read as follows:

3227. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections three thousand one hundred fifty-three and three thousand one hundred sixty-six. When Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock, noon, on that day. Presentment of bill of exchange.

SEC. 10. Section three thousand two hundred forty-nine of the Civil Code is hereby amended to read as follows:

3249. Presentment for payment to the acceptor for honor must be made as follows: Presentment to acceptor.

(1) If it is to be presented in the place where the protest for nonpayment was made, it must be presented not later than the day following its maturity.

(2) If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section three thousand one hundred eighty-five.

SEC. 11. Section three thousand two hundred fifty of the Civil Code is hereby amended to read as follows:

3250. The provisions of section three thousand one hundred sixty-two apply where there is delay in making presentment to the acceptor for honor or referee in case of need. Delay in presentment.

SEC. 12. Section three thousand two hundred sixty-six *d* of the Civil Code is hereby amended to read as follows:

3266*d*. The provisions of this title do not apply to negotiable instruments made and delivered prior to the taking effect hereof. In any case not provided for in this title the rules of the law merchant shall govern. Application of act.

CHAPTER 195.

An act relating to the paving of highways within municipalities, and requiring the board of supervisors of any county to pave such highways whenever they constitute part of a county highway system, and the funds therefor have been raised by a bond issue or special tax.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Whenever county bonds shall be voted or a special tax levied for paving a county highway system, and the natural course of such highway system runs into or through any municipality, it shall be the duty of the county board of supervisors to include in, and pave such portion of, said system located within such municipality as may be designated by the Pavement of highways within municipalities.

mayor or other chief executive thereof and the county supervisor in whose district such portion of the highway is located, and said portion shall be constructed of the same width and materials (or equal thereto), as the highway approaching such municipality; *provided*, that in case such chief executive and such supervisor shall not agree as to what highway or highways shall be designated, then the chairman of the state highway commission shall designate the same and his judgment shall be final and conclusive.

CHAPTER 196.

An act to repeal an act entitled, "An act to provide for local improvements in or upon streets, avenues, lanes, alleys, courts, places, public ways, property, or rights of way within or belonging to municipalities, and providing for the issuance and payment of bonds to represent assessments levied for such improvements," approved May 16, 1919.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1919,
p. 527,
repealed.

SECTION 1. The act entitled, "An act to provide for local improvements in or upon streets, avenues, lanes, alleys, courts, places, public ways, property, or rights of way within or belonging to municipalities, and providing for the issuance and payment of bonds to represent assessments levied for such improvements," approved May 16, 1919, is hereby repealed.

CHAPTER 197.

An act to amend section four thousand one hundred thirty-five b of the Political Code, relating to indexing deeds and certain other documents once recorded.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

Indexing
recorded
instruments.

4135b. Whenever any instrument or document has been filed for record with the county recorder of any county in the State of California, as a deed, deed of trust, mortgage or chattel mortgage, or copied into any book of deeds, deeds of trust, mortgages or chattel mortgages, such instrument need not be again filed for record or recorded in such office as a different instrument from that so filed for record or so recorded, but

such recorder must index such instrument in any of the indices kept in his office upon the request of the persons recording such instrument and the payment to him of his legal fees for such indexing, and must note at the foot of the actual record where such instrument or document is transcribed, all such indices in which such instrument is so indexed. Such instrument from the date of such indexing, imparts notice of its contents to all persons; and subsequent purchasers, mortgagees, lien-holders and encumbrancers purchase and take with like notice and effect as if such instrument had been copied or recorded in the proper book of records corresponding with such indices where so indexed, notwithstanding such instrument has been but once recorded or copied in the records of such office.

CHAPTER 198.

An act amending section eighteen of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section eighteen of the above entitled act is hereby amended to read as follows:

Sec. 18. The superintendent of streets is hereby authorized in his official capacity to make all written contracts, and to receive all bonds authorized by this act, and to do any other act, either express or implied, that pertains to the street department under this act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the city council. All applications for such extensions of time, if in writing, must be filed in the office of the city clerk before the expiration of the original time fixed in the contract, or of the time granted by extension, as the case may be. An extension of time may be granted by the council after the expiration of the time originally fixed in the contract or extended as herein pro-

Stats. 1915,
p. 1487,
amended.

Conditions
in contract.

vided, and the extension so granted shall be deemed to commence and be effective from the date of such expiration. Any such extension of time shall not release the sureties upon any bond required under this act. The work must, in all cases, be done under the direction and to the satisfaction of the superintendent of streets and the materials used shall comply with the specifications and be to the satisfaction of said superintendent of streets and all contracts made therefor must contain a provision to that effect; *provided, however*, that if the city council by resolution adopted within ten days after the passage of the resolution ordering the work so directs the work shall be done under the direction of the city engineer and the materials used shall comply with the specifications and be to the satisfaction of said engineer, instead of said superintendent of streets, and in such case the contract shall contain a provision to that effect. Said contract shall contain also express notice that, in no case, except where it is otherwise provided by law or the city charter will the city, or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The city council may, by ordinance, prescribe general rules directing the superintendent of streets (or the city engineer, in the cases herein provided) and the contractor as to the materials to be used, and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work or improvement shall be made by the superintendent of streets in the mode provided by this act.

CHAPTER 199.

An act amending section twenty-seven of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911.

[Approved May 23, 1921. In effect July 20, 1921.]

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

Stats. 1915,
p. 1460,
amended.
Contractor
may sue.

SECTION 1. Section twenty-seven of the above entitled act is hereby amended to read as follows:

Sec. 27. At any time after the period of thirty-five days from the day of the date of the warrants, as herein provided, or if an appeal is taken to the city council, as provided in

section twenty-six of this act, at any time after five days from the decision of said council, or after the return of the warrant or assessment after the same may have been corrected, altered, or modified, as provided in said section twenty-six (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of ten per cent per annum until paid. And in all cases of recovery under the provisions of this act, where personal demand has been made upon the owner or his agent, but not otherwise, the plaintiff shall recover such sum as the court may fix, in addition to the taxable cost as attorney's fees, but not any percentage upon said recovery. And when suit has been brought, after a personal demand has been made, and a refusal to pay such assessment so demanded, the plaintiff shall be entitled to have and recover such attorney's fees as the court may deem reasonable, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor; *provided*, that if the court finds an unnecessary number of actions have been brought, where the parties are identical, it may allow the costs of one action only. Suit may be brought in the superior court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands, the owners whereof can not, with due diligence, be found, the service of each of said actions may be had in such manner as is prescribed in the codes and laws of this state. It shall be competent to bring a single action under any such assessment irrespective of the number of lots assessed where the parties defendant are identical, and where separate actions are brought, the same may be consolidated by order of the court. The said warrant, assessment, certificate and diagram, with the affidavit of demand and nonpayment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets and city council upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action.

In a complaint in any such action it shall be held sufficient Complaint. to allege briefly that the city council ordered the work, the performance of the work under the contract, the making of the assessment, the issuing of said warrant and certificate and the making of said diagram; that an assessment (naming the amount) was levied against that certain lot or parcel of land (describing the same) which, according to the information and belief of the plaintiff, is owned by the defendant; that payment of said assessment has been demanded in the time,

form and manner prescribed in this act and that the same has not been paid.

Description
of lots.

In describing said lot or parcel of land in said complaint it shall be sufficient to refer to the same by its number upon said diagram, provided a certified copy of said warrant, assessment and diagram shall have been previously filed in the office of the recorder of the county or city and county in which the same is situated. It shall be the duty of such recorder to so file any such certified copy presented to him upon payment of the filing fee therefor, which fee is hereby fixed at fifty cents.

CHAPTER 200.

An act to add a new section to the Political Code, to be numbered four thousand forty-one c, relating to county employees.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered four thousand forty-one c and to read as follows:

Additional
assistance
for county
officers.

4041c. Whenever in the judgment of the board of supervisors of any county it is necessary for the expeditious transaction of the business of any county office, the board by unanimous vote may provide for and allow additional assistance to any county officer. In any such case the board of supervisors shall fix the amount of compensation of such additional employees and shall limit in advance the period of time for which assistance is allowed. The powers granted to the supervisors under the provisions hereof shall not be so exercised as to result in increasing the compensation of any county officer after his election or during his term of office.

CHAPTER 201.

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

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

Stats. 1911,
p. 733,
amended.

Sec. 4. Whenever the contemplated work or improvement, in the opinion of the city council, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer, the total estimated costs and expenses thereof would exceed one-half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council may make the expense of such work or improvement chargeable upon a district, which the said city council shall, in its resolution of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. Such district may be described by specifying the exterior boundaries thereof, or by giving the numbers of lots and blocks contained therein according to any official or recorded map or maps, or by showing or referring to a printed drawing or plat indicating the exterior boundaries thereof.

When
improvement
chargeable
to district.

CHAPTER 202.

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

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1915,
p. 1465,
amended.

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

Notice of
improvement.

Sec. 5. After the adoption of the resolution of intention, the street superintendent shall cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing or intersection or any part thereof, in front of each quarter block or irregular block liable to be assessed, notices of the passage of said resolution. In case the work is chargeable upon a district as herein provided, copies of said notice shall also be posted on all the open streets within such district at not more than three hundred feet in distance apart on each street so posted, but no proceeding shall ever be held invalid for failure to post any street or streets therein if this provision has been substantially complied with. In every case all the posting must be fully completed at least ten days before the day set for hearing protests or objections as provided in section three hereof.

Said notices shall be headed "Notice of improvement" in letters of not less than one inch in length; and shall, in legible characters state the fact of the passage of the resolution of intention, its date, and briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars. Said notices shall contain also a statement of the day, hour and place when and where any and all persons having any

objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution.

The council may, if they deem it advisable, direct the clerk to mail copies of said notices to the owners or reputed owners whose names and addresses are known to him, but the mailing of such notices shall not be essential to obtaining jurisdiction by the council, and the failure so to do shall not affect in any manner the validity of any proceedings taken hereunder.

CHAPTER 203.

An act to amend section four thousand one hundred thirty-seven of the Political Code, relating to the indorsement and recording of documents filed for record.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

4137. When any instrument, paper, document or notice, authorized by law to be recorded, is deposited in the recorder's office for record, the recorder must indorse upon the same its proper filing number in the order in which it is deposited, the time when it was received, noting the year, month, day, hour and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs and certificates, written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order in which the same were received for record, and must note at the foot of the record the filing number of the same, the exact time of its reception and the name of the persons at whose request it was recorded, together with a notation by the comparer that said record has been compared.

Indorsement
of docu-
ment filed
for record.

CHAPTER 204.

An act to amend section thirty-five of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1911,
p. 634,
amended.

Superin-
tendent of
construction.

SECTION 1. Section thirty-five of said act is hereby amended to read as follows:

Sec. 35. The superintendent of streets shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this act, and of piling and capping sidewalks, or of the paving of whatever character heretofore mentioned, in whole or in part, of one block or more, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the superintendent of streets. Such person shall be allowed for his time, actually employed in the discharge of his duties such compensation as shall be just, but not to exceed seven dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined by this act.

CHAPTER 205.

An act to amend sections five, six, nine, eleven, thirteen, fourteen, fifteen, sixteen, seventeen and nineteen of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1917,
p. 211,
amended.

SECTION 1. Section five of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain

work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915, is hereby amended to read as follows:

Sec. 5. (a) After the full expiration of thirty (30) days from the date of the warrant, or if an appeal be taken to the city council as provided in said street work act, then five (5) days after the final decision of said council, and after the street superintendent shall have recorded the return, the street superintendent shall make and file with the clerk of the city council a complete list of all assessments unpaid, upon any assessment. Said clerk shall then give notice of the filing of said list and of a time, to be therein fixed by said clerk, when interested persons may appear before the city council and show cause why bonds should not be issued upon the security of the unpaid assessments shown on said list. Such notice shall be posted for not less than five days on or near the council chamber door and be published twice in a newspaper published in such city, if there be any, the first of which publications shall be not less than five days before the time fixed for such hearing. Such notice shall also be given by mailing same to the owner of each lot listed according to the name and address appearing on the last equalized assessment roll for city taxes prior thereto, or as known to the clerk; *provided*, that a failure of the clerk to give such notice by mailing or of the person addressed to receive same shall not affect the jurisdiction of the council to proceed with the hearing noticed. Reference shall therein be made to the resolution of intention and the date of its passage for a description of the work therein mentioned and no other description thereof shall be necessary. The council shall at the date so fixed hear any objection so presented and shall pass upon the same and shall thereupon determine the assessments which are unpaid and the aggregate amount of same. If it does not so meet it may hear the matter at its first adjourned or regular meeting thereafter. It may adjourn the hearing from time to time. Its decision shall be final. The city council shall then prescribe the denominations of such bonds, which shall be in convenient amounts not necessarily equal, and shall provide for issuance of same in annual series.

(b) Said bonds must be sold at a time to be fixed by the council, and to the highest bidder therefor, but for not less than par and accrued interest, and the proceeds of the sale shall be deposited in the city treasury. Before selling said bonds, or any part thereof, the city council must advertise for bids therefor, by publication once a week for at least two weeks in some newspaper of general circulation published in the city, or if there is no such newspaper published in the city then by notice of sale, posted for at least two weeks on or near

Street superintendent to file list of unpaid assessments.

Notice of hearing.

Objections.

Sale of bonds to highest bidder.

the council chamber door of said city. If satisfactory bids are received the bonds offered for sale must be awarded to the highest bidder. If no such bids are received or the council determines that the bids received are not satisfactory as to price or responsibility of the bidders the council may reject all bids received, if any, and either re-advertise or deliver said bonds to the contractor in satisfaction of the sum due him upon his assessment and warrant. From the proceeds of any sale of said bonds, there shall be paid to such contractor the balance due him upon his assessment and warrant including interest upon the principal amount thereof at the rate specified in said bond declaration computed from the date of filing said unpaid assessment list, and the surplus of such proceeds shall be credited to the redemption fund for the payment of such bonds. The cost of such publications shall be paid from such redemption fund. (Amended May 4, 1917.)

Stats. 1917,
p. 212,
amended.
Form of
bond.

SEC. 2. Section six of the act referred to in the preceding section of this act is amended to read as follows:

SEC. 6. Said bonds shall each be substantially in the following form:

“IMPROVEMENT BOND.

City (or other form of municipality) of (naming it) \$_____ No._____ Under and by virtue of the act of the legislature of the State of California, entitled (title of this act) the _____ of _____ (a municipal corporation) will on the second day of July, 19_ __, out of the redemption fund for the payment of the bonds issued upon the assessments made for the work upon and improvements on certain streets (or on _____ street, or in improvement district No._____, or on certain rights of way owned by, or by other suitable description.) more fully described in the certain resolution of intention passed by the city council (or other board) of said municipality on the _____ day of _____ 19____, pay to bearer, the sum of _____ dollars (\$_____), with interest thereon from the _____ day of _____ 19____, at the rate of _____ per cent per annum, all as is hereinafter specified, at the office of the treasurer of said municipality.

This bond is one of several annual series of bonds of like date, tenor and effect, but differing in amounts and maturities, issued by said municipality under said act for the purpose of providing means for paying for the work and improvements described in said resolution of intention, and is secured by the moneys in said redemption fund and by the unpaid assessments made for the payment of said work, and including principal and interest, is payable exclusively out of said fund.

The interest is payable semiannually, to wit, on the second days of January and July in each year hereafter, upon presentation of the proper coupons therefor; *provided*, that the first of said coupons is for the interest to the second day of January, 19____, and thereafter the interest coupons are for the semiannual interest.

This bond will continue to bear interest after maturity at the rate above stated; *provided*, it is presented at maturity and payment thereof is refused upon the sole ground that there is not sufficient moneys in said redemption fund with which to pay same. If it is not presented at maturity interest thereon will run until maturity.

This bond may be redeemed and paid in advance of maturity upon the second day of January or July in any year by giving notice provided in said act and by paying principal and accrued interest together with a premium equal to five per centum of the principal.

In witness whereof, said _____ of _____ has caused this bond to be signed by the treasurer of said _____ and by its clerk and has caused its clerk to affix thereto its corporate seal all on the _____ day of _____, 19____. _____ treasurer. _____ clerk."

Sec. 3. Section nine of the act referred to in the preceding section of this act is amended to read as follows:

Stats. 1915,
p. 1446,
amended.
Advanced
maturity.

Sec. 9. The city treasurer may advance the maturity of any bond to the second day of January or July in any year and pay and cancel the same whenever there shall be surplus moneys in the redemption fund with which to pay same, by giving notice of such redemption as herein provided. Such notice may be given in writing to the holder or owner thereof by registered mail or personal service, or it may be addressed "To whom it may concern" and be given by publication twice in a daily or weekly newspaper published in said city; *provided*, that if such notice be so given by publication or posting then a copy of same shall be mailed to the last known holder or owner thereof at his last known address at least sixty days prior to such date of advanced maturity. If the service be made personally, it shall be made at least sixty days before the date fixed for advanced maturity; if by registered or other mail the mailing shall be made at least sixty days before such date; if by publication or posting the first publication or posting shall be made at least sixty days before such date. In the event of such notice being given, the maturity of such bond shall be advanced and said bond shall be deemed to mature on the date fixed for the advanced maturity of same, at which time the same shall be paid; *provided, however*, that the holder or owner of such bond may prior thereto surrender same and receive the principal thereof together with interest thereon to date of payment and together with a premium thereon equal to five per centum of the principal. On said second day of January or July fixed for advanced maturity, if said bond has not been sooner surrendered, the treasurer shall set aside to the credit of the owner of said bond the amount of principal and accrued interest then due on said bond together with such premium of five per centum of the principal, and said bond shall then be deemed to have matured and interest thereon shall thereafter cease to accrue on said bond. The amount so set aside shall on demand be paid to the holder or owner of said

bond on surrender and cancellation of the same. The costs of such advertising, or other service, shall be paid from the redemption fund. More than one bond may be covered in a single notice. Prior to the surrender of any bond or the setting aside of said funds, the treasurer may waive and vacate any notice of advanced maturity upon being tendered for cancellation some other bond or bonds of an equivalent amount and of a maturity not earlier than that noticed; *providing*, that ten days notice of his intention so to do shall have first been given by mail or otherwise to the holder or owner of said bond and such holder or owner shall not have objected to such action.

Stats. 1915,
p. 1447,
amended.

Unpaid
assessments
a trust
fund.

SEC. 4. Section eleven of the act referred to in the preceding section of this act is amended to read as follows:

Sec. 11. (a) In the event of such bonds being so issued, then the assessments, which shall be unpaid, as shown on the list filed by the superintendent of streets and determined by the city council, together with interest thereon, shall remain and constitute a trust fund for the redemption and payment of said bonds and of the interest which may be due thereon. Such assessments and each installment thereof and the interest and penalties thereon shall be and shall continue to constitute a lien against the lots and parcels of land on which made, until the same be paid, but for a period not exceeding the time within which an action might be brought on the last series of bonds issued upon the security of such unpaid assessments. Such lien shall be prior and superior to all other liens, except the lien for other state, county and municipal taxes and public improvement assessments; *provided, however*, that unmatured installments, interest and penalties shall not be deemed to be within the terms of any general warranty of title.

(b) In the event of nonpayment of any assessment or installment thereof, or of any interest thereon, and as an alternative remedy, the same when due as hereinafter provided, may by order of the council be collected by suit brought to foreclose the lien thereof in the same manner as provided in said street work act for the foreclosure of other assessments by action in a superior court, and with like costs, attorneys' fees and other relief. Thereupon the tax collector shall be credited upon the assessment roll with the amount charged against him on account of such assessments ordered to suit and be relieved of further duty in regard thereto.

(c) Such action shall be brought in the name of the city. The complaint may be brief and include substantially only the following allegations with reference to the assessments sought to be collected; that on a date stated the council passed its resolution ordering certain work to be done, without describing same; that work was done thereunder; that an assessment and warrant to pay for the cost thereof was duly given and made; that same was returned on a stated date; that certain property (describing it) was therein assessed a stated amount; that bonds upon the security of such assessment were duly issued giving the date of said bonds, their interest rate

and the number of years the last installment of same were to run and that same were duly issued under this act, but it shall be unnecessary to state the amount, number, denomination or other terms thereof; that on a date stated a certain sum came due against said property on said assessment and had not been paid, and that the council had directed the action to foreclose. In such action the plaintiff upon recovering judgment shall be entitled to a reasonable counsel fee to be allowed by the court and taxed as costs.

SEC. 5. Section thirteen of the act referred to in section one of this act is amended to read as follows:

Stats. 1915,
p. 1448,
amended.

Sec. 13. (a) Interest on all unpaid assessments shall run from the return of the warrant and assessment, and be computed at the same rate specified in the bonds secured by such assessments. Such interest shall be payable annually or semi-annually as above provided, according as such general municipal taxes on real property in such city are payable annually or semiannually, but shall for each year be computed and collected up to the next second day of July succeeding, no deduction being made by reason of any installment of such assessment being due or paid prior thereto in such year.

Interest on
unpaid
assessments.

(b) Wherever it shall appear to the council that, according to the dates when taxes are collected in any city, there will be an insufficient amount on hand to pay the interest when due, according to the method of collection provided by the preceding provisions of this act, then said council may direct that such interest or some portion of same be collected in the year preceding that in which same would otherwise be collected under this act, and thereupon such interest or portion thereof shall be extended on the rolls for such preceding year and be due and collected therein.

SEC. 6. Section fourteen of the act referred to in section one of this act is amended to read as follows:

Stats. 1915,
p. 1448,
amended.

Sec. 14. (a) A copy of the order of the council determining the assessments remaining unpaid and upon the security of which bonds are issued shall be filed in the office of the auditor. The auditor shall keep a record in his office showing the several installments of principal and interest on said assessments which are to be collected in each year during the term of said bonds. The auditor shall annually enter in his assessment roll on which taxes will next become due, opposite each lot or parcel of land affected in a space marked "public improvement assessment," or by other suitable designation, the several installments of such assessment coming due during the fiscal year covered by such assessment roll, including in each case the interest due on such total unpaid assessments as herein provided. Taxpayers shall have the like right to pay such assessment as so entered with interest, and any penalties thereon, under protest as they have to pay general municipal taxes under protest, but in making such payment under protest must accompany the payment with their written protest. They may pay such taxes separately from the assessment payments. In

List of
unpaid
assessments
filed with
auditor.

the event of the lot or parcel of land affect by any assessment not being separately assessed on said roll so that the installment to be collected can be conveniently entered thereon, then said auditor shall enter on said roll a description of the lot or parcel affected, with the name of the owners if known, but otherwise described as "unknown owners," and extend the proper installment opposite same.

(b) In the event of a subdivision of the lot or parcel affected into separate holdings, the owners of same may in writing request the auditor to separate the installments according to some fixed proportions to be stated by them and to enter same in said roll opposite their respective holdings in accordance therewith. Such owners shall in connection therewith in writing waive objections to the proceeding and to the method of collecting assessments proposed by them and agree to pay future installments in accordance therewith. Thereafter the auditor shall enter such installments opposite the respective lots or parcels of land in the proportions agreed upon; *provided, however*, such division of the installments shall not be so disproportioned to the relative values of the separate holdings of land as to jeopardize the security of the assessments.

Stats. 1915,
p. 1449,
amended.
Release of
assessments.

SEC. 7. Section fifteen of the act referred to in section one of this act is amended to read as follows:

Sec. 15. Any interested owner may release and pay any such unpaid assessment by depositing with the city treasurer the total unpaid balance of any such assessment together with the total interest which would become due on such assessment were it paid in the regular way; *provided*, that if the amount of same be sufficient to provide surplus moneys with which to redeem any bond outstanding and not due the next second day of July, then such person so releasing such assessment may direct the treasurer to redeem such bond, and the treasurer shall then give the proper notice for redeeming such bond, by advancing its maturity as hereinbefore provided upon which redemption the person releasing such assessment shall be entitled to credit and reimbursement for the par value of any coupons thereon which shall be cancelled but not paid less any accrued interest paid thereon and less the premium paid on said bond as hereinbefore provided, and less any costs incurred for publishing or serving any notice of redemption.

Stats. 1915,
p. 1449,
amended.
Special tax
to purchase
lands at
tax sale.

SEC. 8. Section sixteen of the act referred to in section one of this act is amended to read as follows:

Sec. 16. (a) The city council may, and in the event of demand by the tax collector therefor as provided in section twelve hereof must, at the time of fixing the annual tax rate and levying the taxes to be collected for general municipal purposes, levy a special tax upon the taxable property in the city for the purpose of paying for the lands purchased or to be purchased at such tax sales, but not to exceed for each local improvement ten cents on each one hundred dollars of assessable property. Such special tax shall be in addition to all other taxes levied for municipal purposes, and shall be com-

puted, entered and collected in the same manner, and by the same persons and at the same time and with the same penalties and interest as are other municipal taxes of said city.

(b) In the event of a deficiency remaining in the redemption fund after one year from the issuance of said bonds, the council may require all persons interested to be and appear before it at a day, hour and place fixed by it for hearing and to show cause why a supplemental assessment should not be made to pay for the cost and incidental expenses of the original work done upon which the original assessments were made upon which said bonds were issued. Notice thereof shall be given by publication twice in a newspaper published in said city, and shall also be posted in the same manner as provided in the street work act for the posting of notices of the passage of the resolution of intention, by the street superintendent, the first publication of which notice and which posting shall be completed ten days before the time fixed for said hearing. At the time set for such hearing the city council shall proceed to hear any person appearing and may determine whether or not such deficiency was due to the fact that the original assessment for such cost and incidental expenses was not apportioned equitably nor in accordance with benefits. Such hearing may be postponed from time to time. If it shall appear to said council that the amount apportioned to any lot or lots was less than the amount which such lot or lots should equitably bear according to the benefit received by same, from the improvement, the council may levy a supplemental assessment apportioning to such lot or lots the additional sums which the same should equitably bear according to such benefits. The cost of such publication and posting and of making such supplemental assessment may be included therein. A copy of the order levying such supplemental assessment shall be recorded in the office of the street superintendent and from and after such recording, the sum therein levied on any lot, shall be and constitute a lien thereon and thereafter bear interest at the rate specified in said bonds. The several amounts therein levied shall be extended on the next succeeding tax rolls to be delivered to the tax collector and shall be collected in the manner herein provided for the collection of installments of the original assessments; *provided*, that the council may provide in its order that such supplemental assessments may be in like manner collected in annual installments during the remaining term of years during which said bonds shall run, an equal proportion of principal coming due in each of said remaining years, in which event, however, any property owner may pay the whole of said supplemental assessment subsequent to the order of said council and before the amount has been extended on any roll whereupon interest shall cease on such assessment. Any moneys collected on said supplemental assessment shall be paid into the redemption fund and be applied to the payment of the costs of such publication and posting and of making said assessment and then to the payment of said bonds

and interest thereon. After satisfaction of said bonds, repayment of all funds collected on such supplemental assessment shall be made to those paying same, if possible, first, out of recoveries had through collection of the delinquent installments of the assessments upon which said bonds were originally issued and of the interest and penalties thereon, and then out of any surplus remaining in the redemption fund after repayment to the city of special taxes and costs as provided by the preceding section.

(c) In the event of a surplus remaining in said redemption fund after payment of all said bonds and the interest thereon, the same shall, subject to the provisions of the preceding subdivision of this section, first be applied to repayment to said city of any special taxes so levied less its recovery on the lands purchased at delinquent sale, and also of any costs incurred by it hereunder, and then be proportionately credited upon the final installments due upon said assessments securing said bonds and repaid to those paying same if previously paid.

Stats. 1915,
p. 1450,
amended.

Effect of
certificates of
sale and
deed.

SEC. 9. Section seventeen of the act referred to in section one of this act is amended to read as follows:

SEC. 17. (a) In the event of sale by the tax collector of any lot or parcel of land for nonpayment of taxes and of any installment of the assessment thereon, or of the penalties, interest or costs on same, or for nonpayment of any installment, penalties, interest or costs, then any certificate of such sale and deed issued pursuant thereto, is primary evidence of the regularity of all proceedings theretofore had, and shall be conclusive evidence of all things of which bonds issued upon the security thereof are conclusive evidence, and prima facie evidence of the regularity of all proceedings subsequent to the issuance of the bonds, and such deed conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except the lien for other state, county and municipal taxes, and unmatured public improvement assessments thereon.

(b) Upon application by the city council or of any holder or interested party, the superintendent of banks shall examine into the regularity of the issuance of said bonds and relative to the sufficiency of the security provided for the payment thereof and if satisfied therewith may certify the same as suitable for investment by savings banks and trustees whereupon the same may be so used for investment of savings deposits and trust funds. The cost of any required appraisal may on approval of the city council be paid out of any surplus moneys in the redemption fund not required for the payment of the interest or principal of said bonds.

Stats. 1915,
p. 1450,
amended

Provisions
deemed
directory.

SEC. 10. Section nineteen of the act referred to in section one of this act is amended to read as follows:

SEC. 19. The provisions of this act relative to the performance of official duty as to any time or place relative to the form of any resolution, notice, order, list, certificate of sale, deed or other instrument, shall be deemed directory. No

bond, coupon, assessment or installment thereof or of the interest or penalties thereon, or certificate of sale or deed, shall be held invalid for error in the computation of the proper amount due on same, provided, the error be found to be comparatively negligible, or be found to be one in favor of the owner of the real property affected thereby. If no newspaper be published in the city any notices called for under this act may in lieu of publication, be given by posting in three public places in said city for at least ten days, and with like effect as if published, the first posting being had at least as many days prior to the date noticed as required for the first publication.

CHAPTER 206.

An act to amend sections six, eleven, and fourteen of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, and to add a new section thereto to be numbered six a, providing special licenses for limited dental operations.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section six of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, is hereby amended to read as follows: Stats. 1915,
p. 701,
amended.

Sec. 6. Any person over twenty-one years of age shall be eligible to take an examination before the board of dental examiners of California, upon making application therefor, and upon (1) paying a fee of twenty-five dollars; (2) furnishing satisfactory testimonials of good moral character; (3) furnishing satisfactory evidence of having graduated from a reputable dental college, which must have been approved by the board of dental examiners of California; *provided*, that after August 1, 1918, he shall also file his diploma or certificate of graduation with recommendations from a high school accredited to the University of California or any other university of equal standing; or a certificate signed by a state superintendent of public instruction, or similar officer to the effect that such applicant has had scholastic preparation equivalent in all respects to that demanded for graduation with recommendations from a high school giving a four-year course of instruction in the state from which such certificate is issued; (4) in lieu of such diploma or certificate from an accredited high school, such applicant, after said date, may and with like effect furnish to said board of dental examiners a certificate Eligibility
to take
examination.

from the board of dental examiners, or similar official body, of some other state in the United States, showing that such applicant has been a duly licensed practitioner of dentistry in such other state for a period of at least five years; *provided, however,* that every person actually engaged as an apprentice to a regularly licensed dentist who has practiced in the State of California for ten years or more shall be eligible for examination, if, within thirty days after the passage of this act, he shall file with the secretary of the board an affidavit stating his name, age, the length of time for which he has been actually apprenticed and with whom; and who, at the time of his application for examination shall show to the satisfaction of the board that he has served an apprenticeship of at least five years and is a graduate from a high school or similar institution of learning in this or some other state of the United States requiring a three years' course of study; *and provided,* that no examination shall be given to an applicant claiming the right to take the same as an apprentice later than December 30, 1915.

Apprentice.

Each applicant for the certificate of scholastic preparation to be issued by the state superintendent of public instruction as hereinbefore provided shall pay a fee of ten dollars, all of such fees to be paid into the state treasury to the credit of the contingent fund of the superintendent of public instruction and applied by him in defraying or in partially defraying the expense of investigating the qualifications of such applicants.

SEC. 2. A new section is hereby added to said act approved May 21, 1915, to be numbered six *a*, and to read as follows:

Examination
for dental
hygienist.

Sec. 6a. Any person over eighteen years of age shall be eligible to take an examination before the board of dental examiners of California as dental hygienists upon making application therefor.

Preliminary to examination by the board of dental examiners, a dental hygienist shall comply with the following requirements:

1. Such person shall deposit with the board a fee of fifteen dollars which in no case shall be refunded.

2. Such person shall present evidence of graduation from an institution of the standard herein described, which is as follows: Any legally incorporated dental college, dental infirmary, or any other institution of equal standing which maintains a course of instruction for dental hygienists equivalent in all respects to similar courses of instruction maintained in the University of California.

3. Such person shall present evidence that he, or she, is at least eighteen years of age and of good moral character.

4. Such person shall present evidence that he, or she, has complied with and fulfilled the preliminary and professional requirements of the statute.

Upon satisfactory evidence of compliance with the fore-said requirements, the state board of dental examiners shall

give said applicant a thorough examination in the following subjects: Elements of inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene; and a practical examination in the removal of deposits from and the polishing of the exposed surfaces of the teeth.

Having satisfactorily passed such examination such person shall obtain a license as a dental hygienist from the board of dental examiners and shall be by them registered as such. Such licenses shall remain in force until the following first day of May and thereafter so long as the holder thereof shall comply with the provisions of this section relating to an annual tax, but not otherwise, and notwithstanding the payment of such tax, such license may at any time be forfeited or revoked for a violation of any provisions of this act that are applicable to dental hygienists.

To provide a fund for the enforcement of the provisions of this section, every person holding a license as a dental hygienist in this state without exception, shall pay an annual license tax for the year commencing with the first day of May next following the issuance of such license and annually thereafter, such payment to be effective shall be made prior to the commencement of the year for which the same accrues and the receipt of the secretary of the board shall be indispensable evidence that the same has been made. The failure, neglect, or refusal of any person who was a regularly licensed and registered hygienist to pay in advance said annual tax of two dollars during the time such license remained in force shall ipso facto work a forfeiture of such license and it shall not be restored except upon a written application therefor and the payment to said board of five dollars except that such person shall not be required to submit to any examination.

Any licensed dentist, public institution or school authority may employ such licensed and registered dental hygienist.

Such dental hygienist may remove lime deposits, accretions and stains from the exposed surface of the teeth, but shall not perform any other operation on the teeth or tissues of the mouth. Such dental hygienist may operate in the office of any licensed dentist or in any public institution or in the schools under the general direction or supervision of a licensed dentist and nothing herein shall be construed as authorizing any dental hygienist to perform any operation in the mouth without supervision.

The board of dental examiners may revoke or suspend the license of any licensed dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted under the provisions of this section, and the said board may also revoke or suspend a license of any dental hygienist violating the provisions of this section.

Every person licensed to practice as a dental hygienist in this state shall comply with all of the provisions of section

eight of this act except that a separate book shall be kept by the county clerk for the registration of dental hygienists and except that the fee for the restoration of a license shall be five dollars instead of twenty-five dollars.

Stats. 1915,
p. 705,
amended.

Practicing
dentistry
defined.

SEC. 3. Section eleven of said act approved May 31, 1915, is hereby amended to read as follows:

SEC. 11. Any person shall be understood to be practicing dentistry within the meaning of this act who shall (1) by card, circular, pamphlet, newspaper, or in any other way advertise himself as a dentist or (2) who shall, for a fee, salary or reward, paid directly or indirectly either to himself or to some other person, perform an operation of any kind, or treat diseases or lesions of the human teeth or jaws, or correct malimposed positions thereof, or (3) in any way indicate that he will perform by himself or his agents or servants any operations upon the human teeth or jaws, or (4) make an examination of, with the intent to perform or cause to be performed any operation on the human teeth or jaws, or (5) who manages or conducts as manager, proprietor, conductor, or otherwise a place where dental operations are performed; but nothing in this act contained shall prohibit bona fide students of dentistry or dental hygienists from operating in the clinical departments of the laboratory of a reputable dental college, or an unlicensed person from performing merely mechanical work upon inert matter in a dental laboratory or a licensed physician from practicing oral surgery.

Stats. 1915,
p. 706,
amended.

Proceedings
to revoke
licenses.

SEC. 4. Section fourteen of said act approved May 21, 1915, is hereby amended to read as follows:

SEC. 14. The proceedings to revoke or suspend any license under the first subdivision of section thirteen, must be taken by the board on the receipt of a certified copy of the record of conviction.

The proceedings to revoke or suspend any license under the second subdivision of section thirteen must be taken by the board on the receipt of a certified copy of the final judgment.

The proceedings to revoke or suspend any license under the third subdivision of section thirteen, may be taken upon the information of another. All accusations must be in writing, verified by some party familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation the board shall, if it deem the complaint sufficient, make an order setting the same for hearing, at a specified time and place, and the secretary shall cause a copy of the order and of the accusation to be served upon the accused at least ten days before the day appointed in the order for said hearing. The accused must appear at the time appointed in the order and answer the charges and make his defense to the same, unless for sufficient cause the board assign another day for that purpose. If he does not appear the board may proceed and determine the accusation in his absence. If the accused plead guilty or refuse to answer the charges, or upon the hearing thereof the

board shall find them or any of them true, it may proceed to a judgment revoking his license or suspending it. The board and the accused may have the benefit of counsel, and the board shall have power to administer oaths, take the deposition of witnesses in the manner provided by law in civil cases, and to compel them to attend before it in civil cases, by subpoena issued over the signature of the secretary and the seal of the board and in the name of the people of the State of California. The board shall have power in proper cases to authorize the payment of fees and traveling expenses of necessary witnesses required to appear before the board and actually examined in any proceedings properly before it. Upon the revocation of any license, the fact shall be noted upon the records of the board of dental examiners and the license shall be marked as canceled, upon the date of its revocation. Written notice of such suspension or revocation shall be mailed by the secretary of the board to the county clerk of each county in which such license is then registered.

CHAPTER 207.

An act to authorize counties to cooperate with the secretary of agriculture of the United States for the survey, construction and maintenance of roads and trails, and to pay part of the expenses thereof, pursuant to the provisions of section eight of the act of congress approved July 11, 1916, entitled "An act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes."

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. The board of supervisors of any county, in the State of California, by a four-fifths vote of the board, is hereby authorized to enter into cooperative agreements with the secretary of agriculture of the United States for the survey, construction, and maintenance of roads and trails within such county, pursuant to the provisions of section eight of the act of Congress, approved July 11, 1916, entitled, "An act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes," upon such terms as may be agreed upon by such county and the secretary of agriculture, to incur expenses necessary to perform its part of such cooperative agreement, and to pay the costs and expenses thereof out of the general county fund, the general road fund, or the district fund of the road district within which such road or trail is situated.

Cooperation
between
counties
and U. S.
in road
improvement.

CHAPTER 208.

An act to add a new section to be known as nine tt to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended.

[Approved May 27, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled, 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered nine tt and to read as follows:

Salary of
county
librarian,
counties of
thirty-eighth
class.

Sec. 9tt. In counties of the thirty-eighth class the salary of the county librarian shall be one thousand eight hundred dollars per annum, to be paid by said counties in equal monthly installments at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid, said librarian shall also be allowed the actual and necessary traveling expenses incurred by him on business of the office.

CHAPTER 209.

An act to amend section four thousand one hundred twenty-three of the Political Code, relating to moneys erroneously paid to the county.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

Moneys
erroneously
paid to
counties.

4123. Any money other than taxes, erroneously paid in to the county treasury, may be returned to the person paying it in, upon a warrant drawn by the county auditor on the order of the board of supervisors, based upon such voucher as will show proper evidence of the facts.

CHAPTER 210.

An act amending the Political Code by amending section four thousand three hundred a thereof, relating to the fees of the county clerk.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

4300a. In addition to the charges otherwise provided for by law, the county clerk shall charge and collect the following fees: Fees of county clerks.

For the filing of the first paper in a civil action or in a special proceeding, except a probate proceeding or an adoption proceeding, six dollars; *provided*, that in every special proceeding in which more than seven applicants or petitioners join, one dollar shall be collected for each additional applicant or petitioner above seven.

For filing the papers transmitted from another county on the transfer of a civil action or a special proceeding, except a probate proceeding or an adoption proceeding, six dollars.

For filing the papers transmitted on appeal from a justice's court in a civil action or a special proceeding, six dollars.

On the appearance of any defendant, intervenor or correspondent, whether separately or jointly, except for the purpose of making disclaimer, to be paid upon filing the first paper in the action on his behalf, one dollar.

For filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary or a petition for letters of guardianship, six dollars; for filing a second or any subsequent petition for letters of administration, special letters of administration, letters testamentary, or letters of guardianship, in the same proceeding, or a petition to contest any will or codicil, three dollars; *provided*, that when the public administrator or the secretary of the state commission in lunacy, in his official capacity is the petitioner, he shall be required to pay said fee only out of the assets of the estate coming into his possession.

For issuing an execution, or order of sale, one dollar.

For filing any notice of intention to move for a new trial of any civil action or special proceeding, two dollars.

For preparing a copy of any record, proceeding, or paper on file in his office, per folio, ten cents.

For certifying to a copy of any paper, record or proceeding on file in his office, fifty cents.

For comparing with the original on file in his office the copy of any paper, record or proceedings prepared by another and presented for his certificate, one cent per folio.

For exemplification of record or other paper on file besides the charges allowed for copying or comparing, one dollar.

For filing and docketing an abstract of judgment from a justice's court, one dollar.

The foregoing fees shall be in full for all services rendered by the county clerk in any civil action or special proceeding.

No fee shall be charged by the clerk for service rendered in any criminal action or adoption proceeding, nor for any service to the State of California, or any municipality or county in said state, or to the national government, or for any service relating thereto, except for making or certifying to a copy of a filed paper, record or proceeding, when not otherwise provided by law.

For issuing a marriage license, one-half to be paid to the county recorder, two dollars; *provided*, that in counties where the salary of the county recorder is the sole compensation allowed by law this fee shall be paid to the county treasurer, who shall credit one-half to the county recorder. Said fee shall be in full for all services of the clerk and recorder in connection with the issuance of a marriage license and the recording of a marriage certificate.

For filing and indexing articles of incorporation, amended articles of incorporation or a certified copy of articles of incorporation, one dollar.

For filing a certificate of increase of the capital stock of a corporation, one dollar.

For filing a certificate of decrease of the capital stock of a corporation, one dollar.

For filing a certificate of increase of the number of directors of a corporation, one dollar.

For filing a certificate of decrease of the number of directors of a corporation, one dollar.

For filing a certificate of notice of removal of the principal place of business of a corporation, one dollar.

For filing a certificate of creation of bonded indebtedness of a corporation, one dollar.

For filing a certificate of increase of bonded indebtedness of a corporation, one dollar.

For filing any charter, by-laws, or any other certificate, etc., of any corporation, granting power to do business in this state, one dollar.

For filing and indexing a certificate of partnership, including affidavit of publication, one dollar.

For filing and indexing a certificate of fictitious name, including affidavit of publication, one dollar.

For filing and indexing an auctioneer's bond, one dollar.

For filing and indexing all papers for which a charge is not elsewhere provided, other than papers filed in actions or special proceedings, official bonds, or certificates of appointment, one dollar.

For either recording or registering any license or certificate or issuing any certificate, or both, in connection with a license,

required by law, for which a charge is not otherwise prescribed, one dollar.

For each certificate of the clerk, except a certificate to a copy of a filed record, paper or proceedings, twenty-five cents.

For taking an affidavit, except in criminal cases, or adoption proceedings, fifty cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, for each signature, fifty cents.

SEC. 2. Section four thousand one hundred ninety of the Political Code shall not be repealed or affected by this act, but the fees therein provided for shall be in addition to those hereinabove provided for.

CHAPTER 211.

An act to amend section four thousand four of the Political Code, relating to loaning the credit of the county.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

4004. No county shall, in any manner, give or loan its credit to or in aid of any person or corporation. An indebtedness or liability incurred contrary to this provision shall be void. But it shall not be deemed a violation of this section for the county, whenever it shall be economical and satisfactory so to do, to perform work or to furnish goods for any road improvement, lighting, irrigation, waterworks, flood control or any other special district within the county, whose affairs and funds are under the supervision and control of the board of supervisors, or for which the board of supervisors is ex officio the governing body; *provided*, that before the work or the goods are ordered to be done or furnished by the county an amount equal to the cost thereof or an amount ten per cent in excess of the estimated cost thereof shall be so reserved from the funds of the district to be charged that it may be transferred to the county when the work shall have been done or the goods supplied. Charges for work so done or goods so supplied may be made by properly approved bill, in such form and manner as the auditor may direct, from the department, division or account supplying the goods or service to the department, division, account or district supplied and payment therefor may be made by transfer of funds upon the books of the auditor and the treasurer, on the order of the board of supervisors, without the formality of claim and warrant.

Loaning
credit of
county.

CHAPTER 212.

An act to amend section four thousand thirteen of the Political Code, relating to officers of a county.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

County
officers.

4013. The officers of a county are:

1. A district attorney;
2. A sheriff;
3. A county clerk;
4. An auditor;
5. A treasurer;
6. A recorder;
7. A license collector;
8. A tax-collector, who shall be ex officio license collector;
9. An assessor;
10. A superintendent of schools;
11. A public administrator;
12. A coroner;
13. A surveyor;
14. Members of the board of supervisors;
15. A livestock inspector;
16. A fish and game warden;
17. A county librarian.
18. Such other officers as may be provided by law.

CHAPTER 213.

An act to amend section three thousand eight hundred twenty-four of the Political Code, relating to personal property taxes.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

Return of
excess
taxes.

3824. When the rate is fixed for the year in which such collection is made, then, if a sum in excess of the rate has been collected, such excess shall not be apportioned to the state, but the whole thereof shall remain in the county treasury, and must be repaid by the county treasurer to the person from whom the collection was made or to his guardian, executor or administrator on a warrant issued by the county auditor.

Such warrant shall state that it is for refund of excess county tax on unsecured personal property collected by the county assessor and shall state the year for which the tax was collected and the number of the assessment. The auditor must note the number of the warrant on the assessment roll opposite the proper assessment. Any such excess collections not claimed or not refunded within three years after the collection thereof, shall be transferred to the general fund for the use and benefit of the county upon an order to that effect by the board of supervisors.

CHAPTER 214.

An act amending the Political Code, by amending section four thousand one hundred seventy-nine thereof, relating to the records to be kept by the county clerk.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

4179. He must keep such records and perform such other duties as are prescribed by law.

In the place of keeping a "general index—plaintiffs" and "general index—defendants," each page of which must be subdivided as in section four thousand one hundred seventy-eight provided, he may keep an index of the suits filed in his office for the superior court, whereby each suit shall be indexed under the name of each plaintiff and separately indexed under the name of each defendant, which indices shall show the title of the suit and the number thereof.

Records
kept by
county
clerk.

CHAPTER 215.

An act amending the Political Code by amending section four thousand fifty-seven thereof, relating to passage of ordinances by boards of supervisors.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

4057. The enacting clause of all ordinances of the board shall be as follows: "The board of supervisors of the county of _____ do ordain as follows." Every ordinance shall be signed by the chairman of the board and attested by the clerk. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes,

Passage
of
ordinances
of board of
supervisors.

and all ordinances shall be entered at length in the "ordinance book." Except as provided in section four thousand fifty-eight no ordinance passed by the board shall take effect within less than thirty days after its passage and before the expiration of fifteen days after the passage of an ordinance it shall be published, with the names of the members voting for and against the same, for at least one week, in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the courthouse door at least one week. An order entered in the minutes of the board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

CHAPTER 216.

An act to amend sections two and three of an act entitled "An act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof," approved March 16, 1903.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1903,
p. 156,
amended.

SECTION 1. Section two of an act entitled "An act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and pay the expense thereof," approved March 16, 1903, is hereby amended to read as follows:

Proportion
of expenses.

Sec. 2. Each of such counties shall pay such proportion of the expenses of establishing and operating said ferry or ferries as may be agreed upon by the boards of supervisors of such counties. Such proportion of the expenses of establishing and operating said ferry or ferries may be paid for out of the county general fund or the general road fund of the respective counties.

Stats. 1903,
p. 156,
amended.

Sec. 2. Section three of the said act approved March 16, 1903, is hereby amended to read as follows:

Operation
by one
county.

Sec. 3. In case either of said counties shall refuse to enter into an agreement to establish and operate such ferry or ferries, the county situated upon the opposite bank of such river may establish and operate a ferry or ferries across such river, and such county is hereby empowered to acquire landing places for such ferry or ferries on the bank of such river opposite the boundary of such county, and may pay the expense of establishing and operating said ferry or ferries out of the general road fund of such county, or out of the general county fund of such county.

CHAPTER 217.

An act to amend section forty-two of the act known as the "Improvement act of 1911," approved April 7, 1911, as amended.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section forty-two of the act known as the improvement act of 1911, approved April 7, 1911, as amended is hereby amended to read as follows: Stats. 1915, p. 1470, amended.

Sec. 42. The superintendent of streets (or the city engineer, if the city council has by resolution directed that the work be done under his direction and to his satisfaction, as provided in section eighteen of this act) shall, when in his judgment it is necessary appoint a suitable person or persons to take charge of and superintend the construction and improvement of any work authorized by this act, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect and in case of any departure therefrom to report the same to the superintendent of streets, or to the city engineer, if appointed by him. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed seven dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses within the meaning of those words as defined by this act. Superintendent of construction.

CHAPTER 218.

An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. A municipal utility district may be created as herein provided and when so created may exercise the powers herein granted. Any municipality together with unincorporated territory may so organize and incorporate; likewise any two or more municipalities, whether contiguous or otherwise or in the same or different counties, may organize and incorporate as a municipal utility district. Unincorporated territory may be embraced and included therein, but no municipality or Municipal utility districts may be organized.

election precinct shall be divided in the formation of such a district, nor shall any municipality or unincorporated territory be included therein without the consent of a majority of the electors thereof voting at any election on such proposition. Unincorporated territory in separated parcels and not contiguous, shall be considered separately in the organization of a district.

Procedure.

SEC. 2. The procedure for organizing and creating a municipal utility district under the provisions of this act is as follows:

Resolution
of intention
by
municipalities.

Resolutions shall first be passed by the legislative bodies of half or more of the municipalities designed to be included in the proposed district, declaring that in their opinion public interest or necessity demands the creation and maintenance of a municipal utility district to be known as "the (giving the name) municipal utility district." Said resolutions may state the kind of utility proposed to be first acquired, but failure to acquire such utility shall not affect the validity of the district. They shall describe the exterior boundaries of the proposed district, provided that if it is intended to organize said district of incorporated municipalities only, then and in that case a statement of the names of such municipalities shall constitute a sufficient description of said district. Certified copies of said resolutions shall be presented to the board of supervisors of the county containing the largest number of registered electors within the proposed district requesting said board to call an election without delay for determining whether such district shall be created.

Petition
by electors.

Instead of said resolutions, a petition may be presented to the board of supervisors of said county signed by qualified electors within the boundaries of said district equal in number to at least ten per cent of the total vote cast at the last general state election within the territory proposed to be included in said district. Said petition shall contain substantially the same declarations and statements required to be contained in the resolutions aforementioned, and declare that, in the opinion of the petitioners, public interest or necessity demands the creation and maintenance of a municipal utility district. Such petition may be on separate papers, but each paper shall contain the affidavit of the party who circulated it certifying that each name signed thereto is the true signature of the person whose name it purports to be. The clerk of the board of supervisors of said county shall compare the signatures with the affidavits of registration and certify to the sufficiency or insufficiency of such petition.

Election.

SEC. 3. Upon receipt of certified copies of the resolutions aforementioned or of a sufficient petition as aforesaid, said board of supervisors shall call an election within the proposed district without delay for the purpose of determining whether the proposed district shall be created and established, also for the purpose of electing the first board of directors therefor in case the same is created.

SEC. 4. The government of every municipal utility district so created and established shall be vested in a board of five directors, one from each of the wards or subdistricts hereinafter mentioned, together with the other officers hereinafter mentioned. Said directors shall be residents and electors of the respective wards or subdistricts from which they are respectively nominated. They shall be elected at large, and every qualified elector in the proposed district may vote for all of the directors to be elected.

Board of directors of district.

SEC. 5. Before calling said election the board of supervisors shall divide the proposed district into five wards or subdistricts, the boundaries of which shall be so drawn that each shall contain approximately an equal number of electors, as nearly as may be. The municipalities and any other territory included in the proposed district may be divided for the purpose of establishing the boundaries of said wards or subdistricts, provided no election precinct shall be divided therefor.

Division of district into wards.

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

Notice of election.

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

Ballot.

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

YES	
NO	

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

General laws to govern.

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

Canvass of votes.

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

They shall canvass the returns of each municipality and each parcel of unincorporated territory, if any, separately, and shall order and declare said district created and established of the municipalities and territory in which a majority of those who voted on the proposition voted in favor of the creation of said district; *provided, however*, that the total number of electors in such approving municipalities and territory be not less than two-thirds the number of electors within the district as first proposed, according to the register used at said election.

Qualification of director.

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

Declaration of result.

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

Cost of election.

The board of supervisors calling the election shall make all provision for the holding thereof throughout the entire district as proposed, and shall pay the cost thereof. In case a special election is held exclusively on the proposition of organizing such a district, the expenditure therefor shall be reimbursed by means of a special tax on all the taxable property within the municipalities proposed to be included in the dis-

trict, which tax shall be added to the next county tax bills by the proper officials of the counties involved, respectively.

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

(e) Any municipality not in said district at the time of its creation, may subsequently be annexed thereto in the manner following: Annexation of municipality

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

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

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

Shall the city (or town) of _____
be annexed to _____ municipal
utility district?

YES	
NO	

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

If, upon a canvass of the result thereof, it appears that a majority of all the votes cast at said election were cast in favor of annexation, the proposition shall be deemed to have been carried and approved by the electors; *provided, however*, if the terms and conditions aforementioned necessitate the incurring of an indebtedness by the municipality proposed to be annexed, in order to contribute its share of any expenditure theretofore authorized or incurred by said district, then and Canvass of result.

in that case the proposition of incurring such indebtedness shall be submitted at the same election, and the proposition for annexation shall not be deemed carried unless the proposition for incurring such indebtedness shall be approved by a vote of two-thirds of all the voters voting at such election. Unincorporated territory may be annexed to said district in accordance with the procedure provided by statute for the annexation of unincorporated territory to municipalities, in so far as the same may be made applicable.

Municipally owned utilities.

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

Subsequent elections.

SEC. 7. All subsequent elections shall be called, held and conducted, and the returns thereof canvassed and result thereof ascertained, determined and declared by the board of directors of said district.

Term of directors.

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

Fixing boundaries of wards.

SEC. 8. The board of directors shall have authority to fix the boundaries of the wards or sub-districts for the purpose of electing directors therefrom, after the first election creating and establishing the district.

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

President of board.

Meetings.

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

Ordinances and resolutions.

SEC. 10. The board of directors shall act only by ordinance or resolution, and shall fill all vacancies on the board caused by the death or resignation of a member. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of

the board. The enacting clause of all ordinances passed by the board shall be in these words:

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

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

No ordinance passed by the board shall take effect within less than thirty days after its passage, and before the expiration of said thirty days the same shall be published with the names of the members voting for and against the same for at least one week in some newspaper of general circulation printed and published in the district.

SEC. 11. The board of directors shall constitute the legis- ^{Appointed}
lative body of said district and shall determine all questions ^{officials.}
of policy. Said board may appoint a general manager, an accountant who shall be ex officio secretary of the board of directors, a treasurer and an attorney, and fix their compensation. Said appointed officials shall hold office during the pleasure of said board and give such bonds and in such amounts as the board of directors may require. The board of directors shall supervise and regulate every utility owned and operated by the district, including the fixing of rates, rentals, charges and classifications, and the making and enforcement of rules, regulations, contracts, practices and schedules, for or in connection with any service, product or commodity owned or controlled by said district.

SEC. 12. Any municipal utility district incorporated as ^{Powers of}
herein provided shall have power: ^{district.}

First—To have perpetual succession.

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

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

Fourth—To take by grant, purchase, gift, devise, or lease, or otherwise acquire, and to hold and enjoy, and to lease or dispose of, real and personal property of every kind within or without the district, necessary to the full or convenient exercise of its powers.

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

power to sell or otherwise dispose of such surplus outside of the district to persons, firms, and public or private corporations, or municipalities outside said district.

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

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

Eighth—To borrow money and incur indebtedness, and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness that may exist against the district; *provided*, no indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a two-thirds vote of the electors voting on the proposition to incur such indebtedness.

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

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

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

Powers of
general
manager.

SEC. 13. The general manager shall have full charge and control of the construction of the works of said district and of their maintenance and operation, also of the administration of the business affairs of said district. He need not be a resident of the State of California at the time of his appointment. His salary shall be fixed by the board of directors. The powers of the general manager shall be:

- (a) To see that all ordinances of the district are enforced;
- (b) To appoint or hire, except as otherwise provided herein, all heads of departments, subordinate officials and employees necessary for the administration of the affairs of said district, and to remove the same;
- (c) To act as purchasing agent for all the departments of said district;
- (d) To attend all meetings of the board of directors and submit a general report of the affairs of the district;

(e) To keep the directors advised as to the needs of the district;

(f) To prepare or cause to be prepared, all plans, specifications, etc., for the construction of the works of said district;

(g) To devote his entire time to the business of the district;

(h) To perform such other and additional duties as the board of directors may require.

The general manager, in January of each year, shall render and immediately cause to be published a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and the purpose of such disbursements. Said publication shall be made at least once a week for two weeks in some newspaper of general circulation printed and published in the district, or, if there be no such newspaper in the district, then within some newspaper of general circulation printed and published in the county where such district is situated. Statement of financial condition.

All other things being equal, the board of directors shall appoint as general manager some person who has had experience in municipal engineering or in the construction or management of public utilities.

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

The treasurer shall be the custodian of the funds of the district and shall make payments only upon warrants duly and regularly signed by the president of the board of directors and attested by the secretary. He shall keep an account of all receipts and disbursements. Treasurer.

The attorney shall be one who has been duly admitted to practice law with the supreme court of the state and shall have been actively engaged in the practice of his profession for the period of at least three years next preceding his appointment. It shall be his duty to take charge of all suits and other legal matters to which the district is a party or in which it may be legally interested. He shall be in attendance at each meeting of the board of directors and shall give his advice or opinion in writing whenever required by said board. He shall be the legal adviser of the manager and other district officers and shall prepare and approve the forms of all ordinances, resolutions, contracts, bonds and other legal documents connected with the business of the district. He shall perform such other and additional services as the directors may require. Attorney.

SEC. 15. (1) Whenever the board of directors by resolution shall determine that the public interest or necessity of the district demands the acquisition, construction, or completion of any public utility or utilities by the district, or whenever Acquisition of public utilities.

the electors of the district shall petition the board of directors, as hereinafter provided, for the acquisition, construction, or completion of any public utility or utilities, the board of directors must procure plans and estimates of the cost of original construction and completion by the district of such public utility or utilities; *provided*, that no public utility shall ever be acquired or contracted for unless the acquisition of said utility has first been approved by a majority of the electors of said district.

Estimates
of cost.

(2) In securing estimates of the cost of original construction and completion of waterworks by the district, the board of directors must procure and place on file plans and estimates of the cost of obtaining, from such sources as the board of directors may find and designate as available, a sufficient supply of good, pure water for the district.

Offers for
sale of
existing
utilities.

(3) Before submitting propositions to the electors for the acquisition by original construction or condemnation of public utilities, the board of directors must solicit and consider offers for the sale to the district of existing utilities of the same character, or such portion thereof, as would be used and useful to the district. In case no such offer or offers can be procured, the board of directors must, or, in case such offer or offers are procured the board of directors may, apply to the railroad commission of the State of California to ascertain the value of such existing utility or utilities for the purpose of submitting to the electors estimates of the cost of acquiring such public utility or utilities. Such valuation by the railroad commission shall be made in accordance with the provisions of section forty-seven of the public utilities act of the State of California, and said railroad commission shall have power upon such application, and it shall be its duty, to make such valuation without delay. When the railroad commission shall have made and filed its findings and decision, the board of directors of the municipal utility district may have said findings reviewed, as in sections forty-seven and seventy of said public utilities act provided; or such board of directors may immediately adopt such findings and decision as the basis of its estimate of the cost of acquiring such public utility or utilities by purchase or by condemnation.

Valuation.

Petition for
construction
of utility.

(4) Whenever any petition or petitions, each signed by electors of the district equal in number to fifteen per centum of all the votes cast within the territory of the district at the last preceding general election held for the election of state and county officers, shall be presented to the board of directors asking for the construction, completion or acquisition of the public utility or utilities therein named, it shall be the duty of the secretary of the district to immediately proceed to examine and verify the signatures to such petition or petitions and to certify the result of such examination to the board of directors. If the required number of signatures be found to be genuine, the secretary shall transmit to the president

of the board of directors an authentic copy of such petition or petitions, without the signatures thereto.

Upon receiving the petition or petitions, with the certificate of the secretary stating that it or they contain the required number of signatures, the board of directors shall formulate for submission to the electors of the district at a general election or at a special election called for that purpose, a separate proposition for the construction, completion, or acquisition of each public utility named in such petition or petitions. Election.

All propositions formulated under the provisions of this subdivision shall be completed within six months after the filing of such petition or petitions, unless more time is required by reason of the making of a valuation applied for to the railroad commission under the provisions of subdivision three of this section, in which case the said proposition or propositions shall be completed as soon as may be possible after such valuation shall have been made and become final.

Upon the completion of the proposition or propositions for the acquisition, construction or completion of the public utility or utilities named in said petitions, the board of directors of the district by ordinance shall submit to the electors of the district at a general election or at a special election the proposition or propositions of incurring a bonded indebtedness for such purpose or purposes. Bond election.

The ordinance calling such election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public improvements, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such election will be held, the manner of holding such election and the voting for or against incurring such indebtedness, and in all particulars not recited in such ordinance, such election shall be held as provided in the act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," statutes 1901, page twenty-seven. Election ordinance.

The interest on such bonds shall not exceed six per centum per annum and be payable semiannually. The redemption of said bonds shall begin not later than ten years from the date of said bonds and be completed in not more than fifty years from said date. All matters and things pertaining to the issuance of bonds by such district including the form, limit of denomination, interest, redemption and sale of said bonds, not otherwise provided herein, shall be in accordance with the provisions of said last named act as near as the same may be made applicable. Interest on bonds.

No municipal utility district shall incur an indebtedness for public works which shall in the aggregate exceed twenty per cent of the assessed value of all the real and personal property of such district; *provided, however,* any indebtedness Limit of indebtedness.

which has been incurred for the construction and operation of a public utility, where the revenue from said utility for three years or more next preceding has been sufficient to pay the interest and principal due on any bonds issued for its construction and acquisition in addition to the cost of operation and maintenance, shall not be counted and included in ascertaining the limit of indebtedness.

Action to determine validity of bonds.

SEC. 16. The board of directors may at any time within sixty days from the date of the election authorizing the issuance of any bonds cause to be brought in the name of the district an action in the superior court of the county in which said district or the greater portion thereof is located, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds. Such action shall be speedily tried and judgment rendered declaring such bonds to be valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. After the expiration of ninety days from the date of such election no action may be brought by any person to contest or question the validity of said bonds and proceedings thereto. If there be more than one action or proceeding involving the validity of any such bonds, they shall be consolidated and tried together. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any proceeding or action herein provided for may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

Expert to examine accounts.

SEC. 17. The directors of the district shall employ annually an expert who shall be qualified to, and who shall with all due diligence, examine and report upon the system of accounts kept by the district; all the contracts of what-

soever kind made and entered into by the board of directors within the two years immediately preceding; the management of the utilities of the district, the operation of the same, the service furnished, and the rates charged by the district; the properties and investments of the district: all official acts of the board of directors relating to acquisition, construction, completion, extension, improvement, and betterment of the public utility or utilities of the district; the efficiency and adequacy of each public utility, and of the property used in connection therewith or with the operation thereof, the reasonableness of the service and commodities furnished, and of the rates and charges therefor; and generally all the business and affairs of the district relating to the ownership, management and operation of each public utility of the district. Said expert shall in his report make such recommendations and suggestions as to him shall seem proper and required for the good of the district, and the efficient and economical or advantageous management and operation of the public utility or utilities of the district, and of the business and affairs of the district relating to such management and operation; and he shall in his said report make such recommendations and suggestions as to the system of accounts kept, or in his judgment to be kept, by the district, in connection with each public utility, the classification of the public utilities of the district and the establishment of a system of accounts for each class, the manner in which such accounts shall be kept, the form of accounts, records, and memoranda kept or to be kept, including accounts, records, and memoranda of receipts and expenditures of money, and depreciation and sinking fund accounts, as in his judgment may be proper and necessary.

SEC. 18. Only revenue producing utilities shall be acquired, owned or operated by a district formed under the provisions of this act. So far as possible the board of directors shall fix such charges for commodities or service furnished by any revenue producing utility, as will pay the expenses of the government of the district, including salaries, office expenses, and other necessary disbursements; the operating expenses of the utility; the interest on any bonded indebtedness incurred for the acquisition, construction and completion thereof; and provide a sinking or other appropriate fund for the payment of the principal of such debt as it may become due, and also provide an appropriate fund for repairs, replacements and betterments; it being the intention of this section that the district pay all of such charges and expenditures, and the interest and principal of its bonded debt, from the revenues derived by the district from the operation of its public utilities, and that each public utility owned and operated by the district shall be self-sustaining.

Revenue producing utilities only to be acquired.

SEC. 19. The district and any municipalities included therein, may at any time enter into appropriate contracts for the use by such municipality or municipalities of commodities

Contracts for use of service.

or service furnished by any of the utilities acquired, owned, and operated, or authorized to be acquired, constructed, or completed by the district, as in this act provided.

Tax levy
to pay
indebtedness.

SEC. 20. (1) If from any cause the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt as it becomes due, the board of directors must, or if funds are needed to carry out the objects and purposes of the district, which can not be provided for out of the revenues of the district, then the board of directors may, levy a tax for such purposes as herein provided. The board shall state the purposes for which such taxes are necessary, and must fix, by resolution, the amount of money necessary to be so raised by taxation.

Assessments.

(2) The board of directors may by ordinance provide the mode and manner of assessing, and of correcting and equalizing assessments upon, the taxable property situated within the district, for the purpose of levying district taxes, and of levying and collecting such taxes, and may provide for the collection of delinquent taxes by actions or legal proceedings which are hereby authorized to be brought, prosecuted and maintained in the name of the district against the several owners of property from whom such taxes may be due and delinquent, for the purpose of recovering the amount of the delinquent tax, with penalties, interest, and costs; *provided*, that the provisions of such ordinance shall be conformable to general law.

Assessment
by county
officers.

(3) The board of directors may elect to avail itself of the assessment or assessments made by the assessor or assessors of the county or counties in which the district is situated, and may take such assessment or assessments as the basis for district taxation; *provided*, that the board of directors shall declare its said election by ordinance and file a certified copy of the same with the auditor or auditors of the county or counties in which the district is situated, on or before the first Monday in February of each year. Thereafter all assessments shall be made and taxes collected by the county assessor and tax collector, or county assessors or tax collectors, of the county or counties in which the district is situated until the board of directors of the district by ordinance elect otherwise. The said county auditor or auditors thereupon must, on or before the second Monday in August of each year, transmit to the board of directors of the district a statement in writing showing the total value of all property within the district, which value shall be ascertained from the assessment book of the said county or counties for that year as equalized and corrected by the board or boards of supervisors of such county or counties. In case the board of directors shall so elect, as hereinabove provided, it shall, on or before the first week day in September, or if such week day falls upon a holiday then on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property as assessed by the county

assessor or assessors and so returned to such board of directors by the county auditor or auditors, as hereinabove provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board, as hereinabove prescribed; which acts by said board of directors are declared to be a valid assessment of such property and a valid levy of such taxes so fixed. The board of directors must immediately thereafter transmit to the county auditor or auditors of the county or counties in which the district is situated a statement of such rate so fixed by the board of directors.

The said auditor or auditors must then compute and enter in a separate column in the assessment book or assessment books, to be headed "Utility district tax, ----- municipal utility district (naming it)," the respective sums in dollars and cents or dollars or cents to be paid as a district tax on the property therein enumerated and assessed as being in the municipal utility district, using the rate of levy so fixed by the board of directors of the district, and the assessed value as found in such assessment book or assessment books. Such taxes so levied shall be collected at the same time and in the same manner as county taxes; and when collected the net amount, as ascertained as hereinafter provided, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes.

Each county auditor and tax collector affected by the provisions of this act shall annually file with the board of supervisors of his county itemized statements showing the additional expense to his office caused by the performance of the duties imposed upon him or his office under the provisions of this act, and upon the filing of such statements the board of supervisors shall, by an order spread upon its minutes, deduct such expenses from the tax money of the district, while in the hands of the tax collector, and transfer the amount deducted into the county salary fund; *provided*, that not more than one-half of one per centum on the amount collected shall be so charged or deducted by any county. The board or boards of supervisors of such county or counties may provide such extra help for their county offices or officers as in their judgment may be necessary for the proper performance of their duties hereunder.

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

(4) All taxes levied under the provisions of this act shall be a lien on the property on which they are levied; and the

Report of
county
officer.

Taxes a
lien.

enforcement of the collection of such taxes shall be had in the same manner and by the same means as is provided by law for the enforcement of liens for state and county taxes, all the provisions of law relating to the enforcement of the latter being hereby made a part of this act, so far as applicable.

Classified
civil
service.

SEC. 21. The general manager shall classify all the places of employment in or under the district, with reference to the examinations hereinafter provided for, excepting such positions as superintendent, foreman and heads of departments. The places so classified by the manager shall constitute the classified civil service of the district, and no appointment to any such place shall be made except according to the rules hereinafter mentioned.

The manager shall make rules to carry out the purposes of this section, and for examinations, appointments, promotions, and removals, and may from time to time make changes in existing rules.

The examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include, when appropriate, tests of manual or professional skill. No director shall in any manner attempt to influence the general manager in the making of any appointment or in the purchase of supplies. A violation of this provision shall work a forfeiture of the office of such director.

Purchase of
supplies by
contract.

SEC. 22. In the purchase of all supplies and materials, when the expenditure required for the same shall exceed the sum of one thousand dollars, the same shall be done by contract and be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, said notice to be printed at least ten days before bids are received; *provided*, the directors may reject any and all bids and readvertise in their discretion: *provided, further*, that after rejecting bids the directors may determine and declare by a four-fifths vote of all its members that in its opinion the materials and supplies may be purchased at a lower price in the open market, after the adoption of which resolution, the directors may proceed to purchase said supplies and materials in the open market without further observance of the provisions first above stated;

Provided, further, that in case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the directors may, by resolution passed by a four-fifths vote of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, whereupon they may proceed to expend or enter into a contract involving the expenditure of any sum needed in such emergency.

Eight hour
day.

SEC. 23. The maximum time of labor or service required of any laborer, workman, or mechanic employed upon any work of the district, whether so employed directly by the district

and its officers, or by a contractor or subcontractor, shall be eight hours during any one calendar day, except in case of emergency.

The board of directors may from time to time contract for or employ any professional services required by this district, or by the board, or any officers of the district.

SEC. 24. No director or any other officer of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Directors and officers not to be interested in contract.

SEC. 25. Every incumbent of an elective office of a municipal utility district formed hereunder is subject to recall by the voters of such municipal utility district, in accordance with the recall provisions of the general laws of the state with reference to county officers.

Recall of officers.

SEC. 26. All matters and things necessary for the proper administration of the affairs of said district which are not provided for in this act shall be provided for by the board of directors of the district, by ordinance.

Powers of board of directors.

SEC. 27. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality.

CHAPTER 219.

An act amending the Political Code by amending section four thousand forty-three thereof, relating to the protection of highways from damage by floods.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

4043. Whenever it appears to the board that any public road, in any road district of the county, is in danger of being damaged by storm waters or floods, or whenever any public highway has already been damaged by storm waters or floods, it is hereby made the duty of the board to adopt such measures as may be necessary to prevent such damage, or to repair the

Protection of highways from damage by floods.

same; and the board is hereby authorized to construct flumes, ditches, or canals, for the purpose of carrying off such storm waters or floods to a place of safety, and may condemn the right of way for such flumes, ditches or canals for such purpose. Any expense incurred under this section may be paid out of the general fund of the county, or out of the fund or funds of the road district or districts the roads of which were protected by the work done.

CHAPTER 220.

An act to amend sections two, thirty-two, and thirty-six of an act entitled "An act providing for the incorporation of public utility districts by municipalities and unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers, approved May 27, 1915."

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1915,
p. 866,
amended.

SECTION 1. Section two of an act entitled "An act providing for the incorporation of public utility districts by municipalities and unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 27, 1915, is hereby amended to read as follows:

Two or
more
municipalities may
unite.

Sec. 2. Two or more municipalities may join in the formation of such a district. When any two or more municipalities desire to organize such a public utility district, as herein provided for, the legislative body of each such municipal corporation, at a regular meeting of such body, shall pass an ordinance declaring that the public interest requires the incorporation by such municipality, jointly with the other municipality or municipalities, naming the same, of a public utility district under this act, comprising its territory with that of the other or others, and stating the name of the proposed district, which shall include the words "public utility district." Such ordi-

nance shall also provide for the submission of the proposition by the council or other legislative body of the city to the qualified electors thereof at a special municipal election; *provided*, that the procedure for the formation of such public utility district when initiated by the legislative bodies of the municipalities included therein shall be in accordance with the procedure in this act provided for the formation of a public utility district by petition except where otherwise herein provided.

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

Stats. 1915,
p. 880
amended.

Sec. 32. The board of directors shall act only by ordinances or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board of directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be in these words:

Action only
by ordinance
or resolution.

"Be it enacted by the board of directors of ----- public utility district."

All resolutions and ordinances shall be signed by the president of the board of directors and attested by the secretary.

No ordinance passed by the board shall take effect within less than thirty days after its final passage, and before the expiration of said thirty days the same shall be published with the names of the members voting for and against the same for at least one week in some daily newspaper of general circulation printed and published in the district or at least twice in some weekly newspaper of general circulation similarly printed and published, in case there is no such daily newspaper printed and published in the district, and posted at the main entrance to the offices of the board of directors at least one week. An order entered in the minutes of the board that such ordinance has been duly published and posted shall be prima facie proof of such publication and posting.

Time of
taking
effect.

No action providing for any specific improvement or the appropriation or expenditure of any of the district funds except such as are provided for in the regular annual budget, nor any action providing for the appropriation, acquisition, sale or lease of public property or for the levy of any tax or assessment, shall be taken except by ordinance.

All ordinances shall be subject to referendum (exercised in accordance with the provisions of the general laws of the State of California with reference to the referendum) during the period of thirty days above referred to between the time of final passage and the time of taking effect.

Referendum.

Each member of the board of directors shall receive such compensation as the board of directors by ordinance shall provide: not to exceed, however, the sum of five hundred dollars per year.

Compensation
of directors.

Stats. 1915,
p. 882,
amended.

Plans and
estimates.

SEC. 3. Section thirty-six of said act, approved May 27, 1915, is hereby amended to read as follows:

Sec. 36. (1) Whenever the board of directors by ordinance, as hereinafter provided, shall determine that the public interest or necessity of the district demands the acquisition, construction, or completion of any public utility or utilities by the district, or whenever the electors of the district shall petition the board of directors, as hereinafter provided, for the acquisition, construction, or completion of any public utility or utilities, the board of directors must procure plans and estimates of the cost of original construction and completion by the district of such public utility or utilities.

Water
works.

(2) In securing estimates of the cost of original construction and completion of water works by the district, the board of directors must procure and place on file plans and estimates of the cost of obtaining, from such sources as the board of directors may find and designate as available, a sufficient supply of good, pure water for the district.

Offers for
sale of
existing
utilities.

(3) Before submitting propositions to the electors for the acquisition by original construction or condemnation of public utilities, the board of directors must solicit and consider offers for the sale to the district of existing utilities, in order that the electors may have the benefit of acquiring the same at the lowest possible cost thereof. In case no such offer or offers can be procured, the board of directors must, or, in case such offer or offers are procured the board of directors may, apply to the railroad commission of the State of California to ascertain the value of such existing utility or utilities for the purpose of submitting to the electors estimates of the cost of acquiring such public utility or utilities. Such valuation by the railroad commission shall be made in accordance with the provisions of section forty-seven of the public utilities act of the State of California, and said railroad commission shall have power upon such application, and it shall be its duty, to make such valuation without delay. When the railroad commission shall have made and filed its findings and decision, the board of directors of the public utility district may have said findings reviewed, as in sections forty-seven and seventy of said public utilities act provided; or such board of directors may immediately adopt such findings and decision as the basis of its estimate of the cost acquiring such public utility or utilities by purchase or by condemnation.

Valuation
by
railroad
commission.

Petition
for
construction
of utility.

(4) Whenever any petition or petitions, each signed by electors of the district equal in number to fifteen per centum of all votes cast within the territory of the district at the last preceding general election held for the election of state and county officers, shall be presented to the board of directors asking for the construction, completion or acquisition of the public utility or utilities therein named, it shall be the duty of the clerk of the district to immediately proceed to examine and verify the signatures to such petition or petitions and to

certify the result of such examination to the board of directors. If the required number of signatures be found to be genuine, the clerk shall transmit to the president of the board of directors an authentic copy of such petition or petitions, without the signatures thereto.

Upon receiving the petition or petitions, with the certificate of the clerk stating that it or they contain the required number of signatures, the board of directors shall formulate for submission to the electors of the district at a general district election or at a special election called for that purpose, a separate proposition for the construction, completion, or acquisition of each public utility named in such petition or petitions. Proposition formulated.

All propositions formulated under the provisions of this subdivision shall be completed within six months after the filing of such petition or petitions, unless more time is required by reason of the making of a valuation applied for to the railroad commission under the provisions of subdivision three of this section, in which case the said proposition or propositions shall be completed as soon as may be possible after such valuation shall have been made and become final.

At the next regular meeting after the completion of the proposition or propositions for the acquisition, construction or completion of the public utility or utilities named in said petitions, the board of directors of the district by ordinance shall submit the proposition or propositions to the electors of the district at a general district election or at a special district election called for the purpose. Election.

When the cost of any public utility or utilities named in such petition or petitions can be paid out of the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, each proposition therefor, submitted to the electors, shall specify the cost of the public utility therein proposed for acquisition, construction, or completion by the district, the proposed method and manner of payment thereof, and the board of directors shall submit therein to the electors the question whether the same shall be acquired upon such terms. The affirmative vote of a majority of the electors voting at such election shall be necessary to accept such proposition. When cost can be paid from revenues.

At as early a date after the determination of the result of such election as the board of directors shall deem for the best interests of the district, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition, construction, or completion of any public utility or utilities named in any proposition or propositions accepted by the majority of the electors voting at such election. Majority vote.

If, however, the cost of any public utility or utilities named in such petition or petitions shall so far exceed the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, as to render it necessary to incur a district bonded indebtedness therefor, each such proposition shall specify the amount of the Proceedings after election.

Bond election.

Two-thirds
vote.

bonded indebtedness necessary therefor, and the rate of interest thereon, and the board of directors shall submit to the electors, at such election, the question of whether such bonded indebtedness shall be incurred. The assent of at least two-thirds of the electors voting at such election upon the proposition shall be necessary to secure the construction, completion, or acquisition of such public utility or utilities and to warrant the issuance of district bonds therefor.

Ordinance
declaring
need for
utility.

(5) Whenever the board of directors shall determine that the public interest or necessity of the district demands the acquisition, construction or completion of any public utility or utilities, it shall specifically declare such determination by an ordinance, which shall be published for at least two weeks in some newspaper or newspapers of general circulation printed and published in the district.

When
cost can
be paid
from
revenues.

When the cost of such public utility or utilities, or any of them, can be paid out of the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, the board of directors shall, as soon after the filing of the plans and estimates of the cost thereof as it may deem for the best interests of the district, enter into such negotiations and contracts as may be necessary for the acquisition, construction or completion of the same; *provided, however*, that in such case the ordinance declaring the determination of the board of directors to acquire, construct or complete such utility or utilities, and published as hereinabove provided, shall state the proposed cost of such acquisition, construction or completion, and the proposed method and manner of payment therefor; *and provided, further*, that no such ordinance, in case it involves the expenditure of more than one hundred thousand dollars, shall become effective before thirty days from and after its final passage.

If cost
exceeds
revenues.

If, however, the cost of such public utilities, or any of them, shall so far exceed the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, as to render it necessary to incur a district bonded indebtedness therefor, the board of directors shall, at a regular meeting held within sixty days after the filing of the plans and estimates of cost thereof, by ordinance, as hereinafter in subdivision six of this section provided, submit the proposition or propositions to the electors of the district at a general district election or at a special district election called for the purpose. Such propositions shall specify the amount of bonded indebtedness necessary for the acquisition, construction or completion of the public utility or utilities therein named, and the rate of interest thereon, and the board of directors shall submit to the electors the question or questions whether such bonded indebtedness shall be incurred. The affirmative vote of at least two-thirds of the electors voting at such election upon the proposition or propositions shall be necessary to warrant the issuance of district

bonds for the acquisition, construction, or completion of such public utilities, or any of them.

(6) Whenever under the provisions of section thirty-six of this act, of which this subdivision is a part, a special election is called for the purpose of submitting to the electors a proposition or propositions for the incurring of a bonded indebtedness, the board of directors shall pass an ordinance calling such election. Ordinance calling election.

At such special election all propositions formulated under the provisions of this section may be submitted to the electors of the district, but no question other than such propositions shall be submitted at such special election.

The ordinance calling such election shall set forth the purposes for which it is called, the estimated cost of each utility proposed for acquisition, construction or completion by the district, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held, the manner of holding such election, and the manner of voting for or against each proposition thereat submitted to the electors; and if it shall be necessary to incur a district indebtedness for any utility or utilities therein proposed, the ordinance shall specify the objects and purposes for which such indebtedness is proposed to be incurred, and that bonds of the district shall issue for the payment of the cost of such utility or utilities, as in said ordinance set forth (if the proposition or propositions therefor be accepted by the electors). Such election shall be held as provided for holding elections in the district. What ordinance shall set forth.

(7) Nothing herein contained shall be deemed to authorize or empower the board of directors of the district to interfere with in any way or exercise any control of any existing utility owned or operated by any municipality belonging to said district unless by consent of the city council of said municipality by ordinance and upon such terms as may be mutually agreed upon between the board of directors of the district and the legislative body of such municipality. Municipally owned utilities.

CHAPTER 221.

An act to amend sections twelve and twenty-six of an act entitled "An act to provide for the establishment and change of grade of public streets, lands, alleys, courts, places and rights of way within municipalities, and providing for the improvement thereof in cases where any damage to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby and to provide a system of local improvement bonds to represent the assessments, for the costs, damages, and

expenses of such improvement and for the payment and effect for such bonds," approved June 16, 1913, as amended.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats 1913,
p. 3011,
amended.

SECTION 1. Section twelve of an act entitled "An act to provide for the establishment and change of grade of public streets, lanes, alleys, courts, places and rights of way within municipalities, and providing for the improvement thereof in cases where any damage to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby and to provide a system of local improvement bonds to represent the assessments, for the costs, damages, and expenses of such improvement and for the payment and effect for such bonds," approved June 16, 1913, as amended, is hereby amended to read as follows:

Objection to
report of
commission.

Sec. 12. Any objection to said report shall be in writing signed by the objector, or his agent, and shall comply with the requirements of section four hereof for the form and substance of protests, and shall be filed with the clerk of the legislative body at or before the time fixed for the hearing. At the time fixed, or at any other time to which the hearing may be continued, the legislative body shall hear said report and any objections thereto, and any person interested may appear and be heard upon said report and objections. After such hearing the legislative body shall pass upon the report, and may confirm, modify, or correct the same, or may confirm the report as modified or corrected, or order the commission to make and file a new report which shall be heard in like manner as the first report and after like notice of hearing. If no objections are filed, or if the objections filed are not sustained, the legislative body shall confirm the report. The action of the legislative body upon said report shall be declared by resolution entered upon its minutes, and shall be final and conclusive, except as to the damages to be caused by the proposed improvement; and when such report is confirmed, or is confirmed as modified or corrected, the clerk of the legislative body shall transmit the diagram and assessment provided for in section ten hereof, as finally confirmed, to the superintendent of streets. The superintendent of streets shall thereupon record such assessment and diagram in his office, in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property

Decision
on report.

Recording
assessment
and diagram.

against which it is made, paramount to all other liens, except liens for state, county and municipal taxes; *provided, however*, that such lien shall be subordinate to all special assessment liens previously imposed upon the said property, but it shall have priority over all special assessment liens which may thereafter be created against the same property; and such liens shall only be discharged by payment of the assessment or by redemption of the land after sale for delinquency. The superintendent of streets shall, upon the recording of said assessment, give notice by publication for five days in a daily newspaper published and circulated in said city, or by two insertions in a weekly newspaper so published and circulated; or in case no such daily or weekly newspaper is so published and circulated in said city, then by posting such notice for four days in three public places in said city, that said assessment has been recorded in his office and that all sums assessed therein are due and payable immediately, and that payment of the said sums must be made to him within thirty days after the date of the first publication or posting, which date shall be stated in the notice. Said notice shall also contain a statement that all assessments not paid before the expiration of the said thirty days shall become delinquent, and that thereupon five per cent upon the amount of each such assessment will be added thereto. When payment of any assessment is made the superintendent of streets shall mark opposite such assessment the word "paid," the date of payment, and the name of the person by or for whom the same is paid, and shall give a receipt therefor. Upon the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the superintendent of streets shall mark each such assessment "delinquent" on said assessment roll, and add five per cent to the amount thereof.

When assessments delinquent.

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

Stats. 1913.
p. 970,
amended.

Sec. 26. Whenever any assessment heretofore issued or which may be hereafter issued is or shall be void, or unenforceable, for want of sufficient authority for its issuance or from irregularities, or illegalities in the proceedings, or if bonds shall have been, or shall be, issued to represent any assessments and such issuance shall not have been, or shall not be effective through the curative provisions thereof to make them valid and enforceable, then, in any of such events a reassessment therefor shall be issued. The true intent and meaning of this section is to make the cost and expense of work or improvement made through an attempted compliance with this act, payable by the real estate benefited by such work or improvement by making a reassessment therefor.

Reassess-
ment.

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

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

When
reassessment
to be
ordered.

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

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

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

Manner of
making
reassessment.

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

The superintendent of streets shall, upon the entering of a decree of court directing a reassessment or upon the making of an order by the legislative body of the city directing a reassessment, assess upon and against the lots, pieces or parcels of land mentioned in the decree or order the benefits derived or to be derived by each from the said work or improvement estimated as of the date of the original assessment.

Interest.

To each sum so reassessed there shall be added interest thereon from the date of the original assessment at the rate of seven per cent (7%) per annum. Such assessment need not be in any prescribed form, but shall refer to the original assessment, give the date of the original assessment and state that it is made pursuant to the order of the legislative body of the city or decree of the court, as the case may be. It shall then be presented to the legislative body, which shall fix a time for hearing before it. Such time must be at least twenty days after the reassessment is so presented. The city clerk shall then advertise the time of such hearing before the legislative body by publishing a notice in the newspaper in which the notice of award of contract for the improvement for which the assessment was made, was published unless the legislative body directs publication in some other paper. Such notice shall be published for five insertions, if the paper be a daily, or by two insertions, if the paper be published

Hearing.

less frequently. At the time fixed for said hearing, or at such time or times to which the same may be thereafter adjourned, the legislative body shall consider the objections to said reassessment and in its discretion informally direct the revision, correction or modification of such reassessment in such manner as is most equitable. When such reassessment shall have been revised, or corrected or modified so as to comply with the judgment of said legislative body, then it shall pass a resolution confirming the reassessment. The street superintendent shall thereupon record the reassessment with a certificate at the end thereof by the city clerk, that it is the reassessment approved by the legislative body of the city. He shall also note opposite the several assessments in the original assessment that have been displaced by the reassessment the fact that the reassessment has been made, giving its date, and shall credit upon such reassessment all payments heretofore made upon the original assessment, or upon the bonds issued to represent the same, applying such payments first to the interest due and then upon the principal. Such reassessment shall be collectible and payable in the same manner as an original assessment and shall be enforceable by suit in the manner herein provided for enforcing an original assessment. In the event that bonds issued under the original assessment they shall also issue upon the reassessment for such sum as may be reassessed against the lot, piece or parcel of land covered thereby. The lien of such reassessment shall hold its relative rank as to other special assessment liens as of the date of the original assessment.

Recording of
reassessment.

Lien of
reassessment.

CHAPTER 222.

An act to amend section one of an act entitled "An act to divide the State of California into fish and game districts, and to repeal an act entitled 'An act to divide the State of California into fish and game districts, and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 19, 1915," approved May 28, 1917, approved July 22, 1919, as amended, and to add a new section to be numbered fifteen and one-half.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one of an act entitled "An act to divide the State of California into fish and game districts, and to repeal an act entitled 'An act to divide the State of California into fish and game districts, and to repeal an act entitled "An act to divide the State of California into six fish

Stats. 1919,
p. 427,
amended.

and game districts." approved March 21, 1911, and all acts or parts of acts inconsistent herewith, approved May 19, 1915," approved May 28, 1917, approved July 22, 1919, as amended, is hereby amended to read as follows:

State divided
into fish
and game
districts.

Section 1. The State of California is hereby divided into fish and game districts to be known and designated as: Fish and game district one, fish and game district one and one-half, fish and game district one "A," fish and game district one "B," fish and game district one "C," fish and game district one "D," fish and game district one "E," fish and game district one "F," fish and game district one "G," fish and game district one "H," fish and game district one "I," fish and game district one "J," fish and game district one "K," fish and game district one "L," fish and game district one "M," fish and game district two, fish and game district two and one-half, fish and game district two "A," fish and game district three, fish and game district three "A," fish and game district three "B," fish and game district three "C," fish and game district three "D," fish and game district three "E," fish and game district four, fish and game district four and one-half, fish and game district four "A," fish and game district four "B," fish and game district four "C," fish and game district four "D," fish and game district four "E," fish and game district four "F," fish and game district five, fish and game district six, fish and game district seven, fish and game district seven "A," fish and game district eight, fish and game district nine, fish and game district ten, fish and game district eleven, fish and game district twelve, fish and game district twelve "A," fish and game district twelve "B," fish and game district thirteen, fish and game district fourteen, fish and game district fifteen, fish and game district sixteen, fish and game district seventeen, fish and game district eighteen, fish and game district nineteen, fish and game district twenty, fish and game district twenty "A," fish and game district twenty-one, fish and game district twenty-two, fish and game district twenty-three, fish and game district twenty-four, fish and game district twenty-five, and fish and game district twenty-six.

Sec. 2. A new section to be known as section fifteen and one-half is hereby added to said act, approved July 22, 1919.

District
two and
one-half.

Sec. 15½. Fish and game district two and one-half shall consist of and include that portion of Mendocino county lying west of the summit of the divide between the Eel river and Russian river systems and the Pacific ocean, not included in fish and game district seven.

CHAPTER 223.

An act to provide for the acquiring, by condemnation or purchase, of property, easements and rights of way by municipalities, necessary or convenient for the construction of sewers and drains for sanitary or drainage purposes, and the establishment of assessment districts and the

assessment of property therein to pay the expense of such acquisition, and the issuance of improvement bonds to represent such assessments.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to order the acquiring, by condemnation or purchase, of all property, easements and rights of way necessary or convenient for the construction of sewers and drains, for sanitary or drainage purposes.

Power of municipalities to acquire right of way for sewers.

SEC. 2. Before ordering any acquisition of any property, easements or rights of way, authorized by section one of this act, the city council shall pass an ordinance declaring its intention so to do, which said ordinance shall briefly describe the improvement and the property, easements or rights of way necessary or convenient to be taken therefor, and shall, in general terms, describe the district to be benefited by said improvement and to be assessed to pay the expense thereof, to be known as the assessment district, and refer to a plat or map, approved by the city council, which shall indicate by a boundary line the extent of the territory to be included in said assessment district, which plat or map shall be on file in the office of the city engineer before said superintendent of streets shall proceed with the publication and posting of the notices of improvement, and shall govern for all details as to the extent of the said assessment district. Said city council may, in its discretion, order and declare that the whole, or any percentage of the expense of said improvement be paid out of the treasury of the municipality from such fund as the council may designate, in which case it shall be so stated in said ordinance of intention.

Ordinance declaring intention.

Assessment district.

SEC. 3. The street superintendent shall thereupon cause to be conspicuously posted along all the open streets within the assessment district, and along or upon the property, easement or right of way which is to be taken, at not more than three hundred feet apart, notices (not less than three in all) of the passage of said ordinance. Said notices shall be headed, "Notice of improvement," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance and briefly describe the improvement proposed, and refer to said ordinance of intention for a description of the assessment district and for further particulars. He should also cause a notice similar in substance to be published by two insertions in a daily, weekly or semiweekly newspaper published and circulated in said city and designated by the city council for that purpose. The city clerk shall, immediately upon the publication of the notice

Notice of improvement.

required by this section, mail, postage prepaid, to each property owner in the assessment district, at his last known address as the same appears on the tax rolls of said city, or when no address so appears, to the general delivery, a postal card containing a notice which shall be in the following, or substantially the following, form (filling blanks), to wit:

"You are hereby notified that on the ----- day of ----- 19----, the legislative body of the city of -----, California, by virtue of the sewer right of way act of 1921, passed an ordinance of intention numbered -----, for the acquisition of sewer (or drain) rights of way. Written protests may be filed with the city clerk within-----days after the-----day of -----, 19----. Your property is in the district to be assessed for this improvement.

City clerk."

If any lots or parcels of land in the assessment district be assessed to "unknown owners" on the tax rolls of said city, no postal cards shall be mailed to the owners thereof, but the notice of improvement by the publication as herein provided shall be deemed legal notice to such owners of such contemplated improvement. The city clerk shall immediately upon the completion of the mailing of said postal cards file, or cause to be filed in the office of the superintendent of streets an affidavit stating the time and manner of compliance within this requirement, but the names of the persons to whom said postal cards were addressed need not be set forth in said affidavit; *provided* that the failure of the city clerk to mail said cards, or the failure of the property owners to receive the same, or the failure of the superintendent of streets to post the notices of improvement shall in no wise affect the validity of the proceedings or prevent the city council from acquiring jurisdiction to order the improvement; *provided, however*, that the city council may require affidavits to be filed showing the posting and mailing of notices before it adopts the resolution ordering the improvement.

Objections.

SEC. 4. Any person interested, objecting to said improvement, or to the extent of the assessment district, described in said ordinance of intention, may file a written protest with the clerk of the city council, within thirty days after the first publication of the notice required by section three of this act. Every such protest must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and must set forth the nature of his interest therein, and must be accompanied by the affidavit of one of the signers thereof that each signature thereof is the genuine signature of the person whose name is thereto subscribed; and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements, shall not be considered by the city council. In the case of property held by tenancy in common,

if any cotenant sign such protest, only the proportionate share of the frontage thereof represented by his interest therein, shall be counted in determining the amount of frontage represented by such protest. The clerk shall indorse on every such protest the date of its reception by him, and, at the next regular meeting of the city council, after the expiration of the time for filing protests, he shall present to said city council all protests so filed with him. If such protests are against said improvement, and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said ordinance of intention, excepting in the cases hereinafter otherwise provided, shall be barred, and no new ordinance of intention for the same improvement shall be passed within six months after the presentation of such protest to the city council, unless the owners of a majority of the property fronting on streets or parts of streets within said assessment district shall in the meantime petition therefor. For the purpose of passing upon and determining the sufficiency of such protests in cases where by a resolution of intention it is declared that the city shall pay a portion of the expense of the improvement, the city shall be deemed to be the owner of frontage within the assessment district bearing the same proportion to the whole frontage therein as the proportion of the expense which it is to pay, and the actual frontage of property within such district shall be increased by the addition of such amount as is necessary to produce said result, and the amount of frontage as so increased shall be the total frontage to be used in determining whether a protest is signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district. If such protests are against the improvement, and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, or if such protests are only against the extent of said assessment district, the city council shall thereupon fix a time for hearing said protests, not less than ten days after the meeting of the council at which such time is so fixed, and shall cause notice of the time of such hearing to be published for at least five days in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, by at least two insertions in a weekly newspaper so published and circulated, the city council shall hear said protests at the time appointed, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any such protests are sustained, no further proceedings shall be had under said ordinance of intention, but a new ordinance of intention for the same improvement may be passed at any time. If the protests are denied, the proceedings shall continue as if such protests had not been

If protests signed by owners of a majority of frontage.

If signed by owners of less than a majority.

Hearing.

made. At the expiration of the time within which protests may be filed, if none are filed, or if protests are filed, and after hearing are denied, as above provided, then upon such denial, the city council shall acquire jurisdiction to order the improvement described in the ordinance of intention.

Condemnation of property.

SEC. 5. Having acquired jurisdiction, the city council, shall, by ordinance, order said improvement to be made, and direct an action to be brought by the city attorney, in the proper superior court, in the name of the municipality, for the condemnation of the property, easements or rights of way necessary or convenient to be taken therefor. Such ordinance need not describe the property to be taken, nor the assessment district, but may refer to the ordinance of intention for all particulars.

Time of action.

SEC. 6. Said action must be brought within sixty days after the passage of the ordinance ordering the improvement, but the council may, by ordinance, extend the time for bringing such action for an additional period not exceeding ninety days. Said action shall in all respects be subject to and governed by such provisions of the Code of Civil Procedure now existing or that may be hereafter adopted, as may be applicable thereto, except in the particulars otherwise provided for in this act.

Complaint.

SEC. 7. The complaint shall set forth, or state the effect of, the ordinance of intention, and the ordinance ordering the improvement, but need not set up any other proceedings had before the bringing of the action. Said ordinances shall be conclusive evidence, in such action, of the public necessity of the proposed improvement, and also that the same is located in the manner which will be most compatible with the greatest public good and the least private injury.

Trial.

SEC. 8. When all parties defendant to the action have answered or have been served with summons, and their default entered, the plaintiff or any party defendant to the action whose default has not been so entered, may, upon five days' notice to the parties, except defendants in default, move the court to set the action for trial. If, upon the hearing of such motion, a trial by jury or by the court without a jury is not demanded by the defendants, or any of them, or by the plaintiff, such trial shall be deemed to be waived, and the court must appoint three disinterested persons referees, to ascertain the compensation to be paid to such defendants so waiving trial by a jury, or by the court without a jury. Such referees must be residents of the municipality where such improvement is to be made, and over the age of twenty-one years, and must take and file with the court an oath to discharge their duties faithfully and impartially. If any of such referees fails to qualify, or resigns, or is removed by order of court, or is or becomes unable to act, the vacancy so created shall be filled by the court.

Referees.

Jury.

SEC. 9. The referees shall at once proceed to view the lands sought to be condemned, and ascertain the compensation proper to be paid to such of the parties interested in each parcel thereof as have waived a trial by jury, or by the court. They shall have power to examine witnesses under oath, to be administered by any of them, and may have subpoenas issued by the clerk of the court, requiring the attendance of witnesses, or the production of evidence before them. They shall make and file with the court a written report of their findings, and of their necessary expenses, within thirty days after the date of their appointment; *provided, however,* that the time so allowed may be extended, upon good cause shown, by the court or judge thereof, but such extension shall not exceed ninety days; *and provided, further,* that if any vacancy in the referees is created and filled as provided in section eight of this act, or if new referees are appointed, or if a new report from the same referees is ordered, as provided in section eleven of this act, the time herein specified for the filing of such report shall be deemed to be thirty days from the date of the order filling such vacancy, or appointing new referees, or ordering a new report from the same referees, and the same may be extended accordingly, as above provided. Any two of such referees who agree thereto, may make such report.

Powers and duties of referees.

Report.

SEC. 10. For the purpose of assessing the compensation and damages, the right thereto shall be deemed to have accrued at the date of the order appointing referees or of the order setting the cause for trial, as the case may be, and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, in all cases where such damages are allowed by the provisions of this act. No improvements placed upon the property proposed to be taken, subsequent to the date of the publishing of the notice of the passage of the ordinance of intention, shall be included in the assessment of compensation or damages.

Measure of condemnation.

The referees, or court, or jury, as the case may be, shall find separately:

Separate findings.

First—The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Second—If any parcel of property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit from such improvement.

SEC. 11. Upon the filing of such report the court must, upon motion of any party, appoint a day for hearing the same, not less than twenty days thereafter. Notice of the time and place of said hearing must, at least ten days

Hearing on report.

before the time so appointed, be served on all the other parties, except defendants whose default has been entered. The plaintiff, or any defendant who has answered, may file exceptions in writing to said report, specifying the grounds upon which such exceptions are based, at any time within not less than one day prior to the hearing; and any such party so filing exceptions to said report, may appear at the hearing of said report and contest the same. In addition to the notice hereinbefore provided, the clerk of the court must give notice of the filing of said report, and of the time and place appointed for the hearing of the same, to all persons owning or having an interest in any property included within the assessment district for said improvement described in the ordinance of intention, by causing said notice last mentioned to be published for five days in a daily newspaper published and circulated in the city; and, if there be no such daily newspaper, then by two insertions in a weekly newspaper so published and circulated. Any publication of such notice shall commence at least ten days before the time appointed for the hearing of the report. Said notice shall require all persons owning or having an interest in any property included within said assessment district for said improvement to intervene in said action, and file, in the office of the clerk of said court, his exceptions in writing to said report, if any he has, specifying the grounds upon which such exceptions are based. Said notice shall also contain a description of the said assessment district as set forth in the ordinance of intention. At any time within not less than one day prior to the hearing, any person not a party to the action, owning or having an interest in any property included within said assessment district, may intervene in the action, and file his exceptions in writing to said report, specifying the grounds upon which such exceptions are based; and any such person so intervening may appear and contest the said report, and introduce evidence in support of such exceptions. After hearing the report, and any exceptions thereto, the court may confirm the report, or may modify it and confirm it as modified, or may set it aside and order a new report from the same referees, or from new referees to be appointed. If new referees are appointed, the same proceedings shall be had as upon the first reference. If there be a trial of the action by a jury, or by the court without a jury, the clerk of the court must give notice of the time and place of such trial to all persons owning or having an interest in any property within said assessment district for said improvement. Said notice shall be published in the same manner and for the same time as the notice hereinbefore in this section required to be given by said clerk, and shall require all persons owning or having an interest in any property included within said assessment district for said improvement, to intervene in said action, and to appear at the trial thereof and introduce evidence relative to the compensation and damages to be awarded to the defendants therein. At any time within not less than

Notice of
hearing.

Action on
report.

Notice of
trial.

one day prior to the trial, any person not a party to the action, having an interest in any property included within said assessment district, may intervene in the action, and, upon the trial thereof, may appear and introduce evidence relative to the compensation and damages to be awarded to the defendants therein. The cost of the publication of the notice required by this section shall be paid by the plaintiff, and allowed as costs in the action.

When a time has been appointed for hearing the report of the referees, or for the trial of the action, and notice thereof has been given by the clerk by publication as in this section provided, if the hearing or trial be postponed or continued by the court to any subsequent date, no such notice need be given by the clerk of the hearing or trial upon any such postponement or continuance. Postponement of hearing or trial.

SEC. 12. Upon the confirmation of the report of the referees, or receipt of the verdict of the jury, or the filing of the findings of the court, the court shall make and enter an interlocutory judgment in accordance with such report, verdict or findings, adjudging that upon payment to the respective parties, or into court for their benefit, of the several amounts found due them as compensation, and of the costs allowed to them, the property involved in the action shall be condemned to the use of the plaintiff, and dedicated to the use specified in the complaint. The court shall allow to the referees, as costs to be paid by the plaintiff, a reasonable compensation for their services, the amount of which compensation shall be fixed by the court upon the hearing of the report, and their necessary expenses. Interlocutory judgment.

SEC. 13. An appeal may be taken from such interlocutory judgment within thirty days from the entry thereof, and from any order granting or denying a new trial within ten days after the entry thereof. Appeal.

SEC. 14. The city council may, at any time prior to the payment of the compensation awarded the defendants, abandon the proceedings, by ordinance, and cause the said action to be dismissed, without prejudice; and if any of the assessments levied to pay the expenses of the improvements, as hereinafter provided, shall have been actually paid in money at the time of such abandonment, the same shall be refunded to the persons by whom they were paid. If the proceedings be abandoned or the action dismissed no attorneys' fees shall be awarded the defendants or either or any of them. Abandonment of proceedings.

SEC. 15. Upon the entry of the interlocutory judgment, the city council shall order the city engineer, or if there be no city engineer, any civil engineer whom it may employ for that purpose, to make and deliver to the street superintendent, a diagram of the improvement and of the property within the assessment district described in the ordinance of intention. Said diagram shall show the land to be taken for the proposed improvement, and also each separate lot, piece or parcel of land within the assessment district, and the dimensions of each Diagram of improvement.

such lot, piece or parcel of land, and the relative location of the same to the proposed improvement.

Assessment.

SEC. 16. The city engineer shall deliver said diagram to the street superintendent and shall indorse thereon the date of such delivery. The street superintendent upon receiving the said diagram shall proceed to assess the total expenses of the proposed improvement (first deducting from such total expenses such percentage thereof, if any, as the city council may have declared by the ordinance of intention that the city shall pay) upon and against the lands, including the property of any railroad or street railroad, within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be derived from said improvement. The street superintendent shall complete said assessment within sixty days after the receipt by him of said diagram: *provided, however*, that the city council may by order extend the time for completing said assessment for a period not exceeding ninety days additional. The total expense of the improvements so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action for condemnation, together with their costs, the compensation and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action, the expenses of making the assessment, and all expenses necessarily incurred by said city, in connection with the proposed improvement, for the publication of ordinances, posting and publication of notices, for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto. Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution, or institution for the feeble-minded, or the insane, and being in use in the performance of any public function, is included within the district declared by the city council in the ordinance of intention to be the district to be benefited by said improvement, and to be assessed to pay the expense thereof, the city council may, in its discretion, in the ordinance of intention, declare that said lots, pieces or parcels of land, so owned and in use, or any of them, shall be omitted from the assessment to be made to cover the expense of said improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said ordinance be omitted from the assessment, then the total expenses of said improvement shall be assessed on the remaining lots lying within the boundaries of said assessment district, without regard to such omitted lots, pieces or parcels of land. In the event the city council shall, in its ordinance of intention, declare that the said lots, pieces or parcels of land, so owned and in use, or any of them, shall be included within the assessment, or in the event that no

Omission
of public
property.

declaration is made respecting such lots, pieces or parcels of land, then such sum or sums as thereafter may be assessed against such lots pieces or parcels of land so owned and used, shall be payable by the city out of the general fund, unless the city council shall in its ordinance of intention designate another fund; *provided, however,* that any such sum or sums which may be assessed against any such lots, pieces or parcels of land, so owned and used, shall not be payable by the city when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

SEC. 17. The street superintendent shall make the said assessment in writing. Such assessment shall describe each lot, piece, or parcel of land assessed for said improvement, and shall designate each such lot, piece, or parcel of land with an appropriate number. The street superintendent shall also designate each such lot, piece or parcel of land on said diagram, with the number corresponding with the number thereof in said assessment, and said diagram shall thereupon be attached to and become and be deemed to be a part of said assessment. Such assessment shall show the total sum to be raised thereby, as hereinbefore provided, and also the items of such total sum, and opposite each lot, piece or parcel of land assessed, the amount assessed thereon, and the name of the owner thereof, if known to the street superintendent, or if the owner's name is unknown, the word "Unknown" shall be written instead of such name. Any error or mistake in the designation of the owner of any lot, piece or parcel of land, or in the particulars of his interest therein, shall not affect the validity of the assessment. Details of assessment.

SEC. 18. As soon as said assessment is completed the street superintendent shall file the same, with the diagram attached thereto and made a part thereof as aforesaid, with the clerk of the council, who shall give notice of such filing by publication for at least ten days in a daily newspaper published and circulated in the city, or if there be no such daily newspaper, by three successive insertions in a weekly newspaper so published and circulated. Said notice shall require all persons interested to file with said clerk their objections, if any they have, to the confirmation of said assessment, within thirty days after the date of the first publication of such notice, which date shall be stated in said notice. Filing of assessment.

SEC. 19. All objections shall be in writing and shall be filed with said clerk within the time prescribed in the notice required by section eighteen hereof. The clerk shall, at the next regular meeting of the city council after the expiration of the time for filing objections, lay said assessment and all objections so filed with him, before the council; and said council shall hear all such objections at said meeting, or at any other time to which the hearing thereof may be adjourned, and pass upon such assessment, and may confirm, modify or correct said Objections.

assessment, or may order a new assessment, upon which like proceedings shall be had, as in the case of an original assessment; or if there be no objections, the council shall at any regular meeting after the expiration of the time for filing objections, confirm such assessment, and the action of the council upon such objections and assessment shall be final and conclusive in the premises.

Recording
assessment.

SEC. 20. The clerk of the council shall thereupon deliver to the street superintendent the assessment as confirmed by the city council, with his certificate of such confirmation, and of the date thereof. The street superintendent shall thereupon record such assessment and diagram in his office, in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording, the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made.

Offset of
assessments.

SEC. 21. The owner of any property assessed, who is entitled to compensation under the award made by the interlocutory judgment, may, at any time after such assessment becomes payable, and before the sale of said property for nonpayment thereof, as hereinafter provided, demand of the street superintendent that such assessment, or any number of such assessments, be offset against the amount to which he is entitled under said judgment. Thereupon, if said amount is equal to or greater than such assessments, including any penalties and costs due thereon, the assessments shall be marked "Paid by offset"; and if the said amount is less than the assessments, and any penalties and costs due thereon, the person demanding such offset shall at the same time pay the difference to the street superintendent in money, and the assessments shall, on such payment be marked paid, the entry showing what part thereof is paid by offset and what part in money. In either case, as a condition of the offset, such person must execute to the city and deliver to the street superintendent duplicate receipts for such part of the amount due him under said interlocutory judgment as is offset against such assessments, penalties, and costs. One of said duplicate receipts shall be filed by the street superintendent in his office, the other shall be filed with the clerk of the superior court, and on such filing, the city shall be entitled to a satisfaction pro tanto of said interlocutory judgment.

Payment of
assessments.

SEC. 22. The street superintendent shall, upon the recording of said assessment, give notice, by publication for ten days in a daily newspaper, published and circulated in such municipality, or by three successive insertions in a weekly newspaper, so published and so circulated, that said assessment has been recorded in his office, and that all sums assessed therein are due and payable immediately, and that the payment of the said

sums is to be made to him within thirty days after the date of the first publication, which date shall be stated in the notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will become delinquent, and that thereupon five per cent upon the amount of each such assessment will be added thereto. When payment for any assessment is made, the street superintendent shall mark opposite such assessment, the word, "Paid," the date of payment, and the name of the person by or for whom the same is paid, and shall, if so requested, give receipt therefor. On the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the street superintendent shall certify such fact at the foot of said assessment roll, and mark each such assessment "Delinquent," and add five per cent to the amount of each assessment delinquent.

SEC. 23. The street superintendent shall, within ten days from the date of such delinquency, begin the publication of a list of the delinquent assessments, which list must contain a description of each parcel of property delinquent, and opposite or against each description, the name of the owner as stated in the assessment roll, and the amount of the assessment, penalty, and costs due, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece or parcel of land, separately assessed. The street superintendent shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien, will be sold at public auction at a time and place to be specified in the notice. The publication must be made for a period of ten days, in some daily newspaper published and circulated in the municipality, or for three weeks in a weekly newspaper so published and circulated. The time of sale must not be less than five days, nor more than ten days, after the expiration of the period of publication of said list, and the place of sale must be in, or in front of, the office of the street superintendent.

SEC. 24. At any time after such delinquency, and prior to the sale of any piece of property assessed and delinquent, any person may pay the assessment on such piece of property, together with the penalty, and costs then due, including the cost of advertising, if such payment is made after the first publication of the list of delinquent assessments. The street superintendent shall thereupon mark such assessment "paid," as hereinbefore provided.

SEC. 25. On the day fixed for the sale, the street superintendent must, at the hour of ten o'clock a.m. commence the sale of the property advertised, commencing at the head of the list, and continuing in the numerical order of lots or parcels of land until all are sold; *provided*, that he may postpone or continue the sale from day to day until all the property is sold. Each lot, piece or parcel of land separately assessed must be offered for sale separately, and the person who will take the

least quantity of land, and then and there pay the amount of the assessment, penalty, and costs due, including fifty cents to the street superintendent for a certificate of sale, shall become the purchaser. If case there is no purchaser, for any lot, piece or parcel of land so offered for sale, the same shall be struck off to the municipality, as purchaser, and the city council shall appropriate out of the general fund of the treasury, the amount required for such purchase, and shall order the city treasurer to place the same in the special fund for such improvement. No charge shall be made for the certificate of sale when the municipality is the purchaser.

Purchase
by city.

Certificate
of sale.

SEC. 26. After making the sale, the street superintendent must execute, in duplicate, a certificate of sale setting forth a description of the property sold, the name of the owner thereof, as given on the assessment roll, that said property was sold for a delinquent assessment, (specifying the improvement for which the same was made), the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed. The street superintendent must file one copy of such certificate in his office, and deliver the other to the purchaser, or if the municipality is the purchaser, to the clerk of the council, who shall file the same in his office. On the filing of the copy of such certificate in the office of the street superintendent, the lien of the assessment shall vest in the purchaser, and is only divested by a redemption of the property, as in this act provided. The street superintendent shall also enter on the assessment roll, opposite the description of each piece of property offered for sale, a description of the part thereof sold, the amount for which the same was sold, the date of the sale, and the name of the purchaser.

New
assessment
and new
bonds.

SEC. 27. Whenever any assessment made and issued under the provisions of this act, or whenever any bond or bonds issued to represent the amount of any such assessment in accordance with the provisions of "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, and all acts supplementary thereto or amendatory thereof, have been set aside by any court of competent jurisdiction, or such court has refused to enforce any assessment, or has decreed any such bond or bonds issued under the above mentioned statute, approved April 27, 1911, not to constitute valid and subsisting liens against the lots, pieces or parcels of land upon which the assessment represented by them have been levied, then the superintendent of streets shall cause a new assessment to be made for the same purpose for which the former assessment was made, whether any of the assessments have been paid or not, and new bonds shall in regular course thereafter issue in the event that bonds were issued under or provided for in the original assessment. It is hereby made the duty of any court of competent jurisdiction in rendering

Finding
of court.

its judgment holding invalid any assessment or assessments hereafter made or issued, or of any bond or bonds hereafter made or issued to represent the amount or amounts of any such assessment, to make a finding as to whether or not the issuing of such assessment was entirely without the power of the said city to issue, and if not, then what omission, irregularity, illegality, informality or noncompliance with the requirements of the statutes of which this is amendatory has occurred in the proceedings upon which said assessment or assessments and bonds rest, and what effect shall be given to them in making the reassessment. In the event that the court shall find that the improvement, the expenses of which are represented by said assessment or bonds, was commenced in good faith and carried on pursuant to an ordinance or resolution of the city council providing for such improvement to be paid for by special assessment, it shall be the duty of the said court to order the making of a new assessment. The city council may, at the request of any interested party, or on its own motion, by resolution duly passed, set aside any assessment or assessment and bonds, as the case may be, and order a new assessment or assessments and bonds, to be made and issued without any decree having been obtained of or from any court regarding said matter, if in its opinion the assessment be invalid, and it may take all necessary steps and make and pass all necessary orders, resolutions or ordinances to reassess and reliev such assessment, and may reassess and reliev the same with the same force and effect as an original levy. Such reassessment, whether made after decree of court has been rendered, or pursuant to a resolution of the council, shall be based upon the special and peculiar benefit of the proposed improvement to the respective lots, pieces or parcels of land assessed. The total amount of the reassessment shall not exceed the total amount of the original assessment. Such reassessment so made shall become a charge upon the property upon which the same is levied, notwithstanding any omission, failure or neglect of any officer, body or person to comply with the provisions of this statute, and notwithstanding the fact that the proceedings of the city council, board of public works or any officer of the city or other person connected with such proceedings, may have been irregular, illegal, informal, or defective, or not in full conformity with the requirements of this statute. It is hereby declared to be the true intent and meaning of this section to make the cost and expense of all local improvements actually made or proposed to be made in the attempted exercise of the powers conferred upon municipalities under this statute, payable by the real estate benefited or to be benefited by such improvements by making a reassessment which shall be equitably proportioned to each lot, each piece or parcel of land thereby benefited the amount of the actual benefits derived or to be derived from said improvement, notwithstanding that the proceedings of the city council

Reassess-
ment.

or other officers or agents of the city, or other persons connected therewith may have been irregular, illegal or defective, or not in full conformity with the requirements of this statute. Such reassessment shall be made without a repetition of the proceedings had prior to the issuance of the assessment and shall be made and issued in the following manner: The superintendent of streets shall, upon the entering of a decree of court directing the reassessment, or upon the passage of a resolution of the city council directing a reassessment, proceed at once to make a reassessment in accordance with the said decree of court, or said resolution of the city council. Such reassessment shall be made upon the district described in the ordinance of intention for said improvement, and in the event that there shall have been informalities, uncertainties or ambiguities in the description of the limits of said district, then upon the district which the court or council shall find to be that actually benefited by said improvement, but in so finding said court or council shall follow the lines described in the ordinance of intention so far as the same can be ascertained, and in all cases of uncertainty or ambiguity they shall give regard to the lines described and make such a determination as to the lines where there is any uncertainty or ambiguity in the ordinance of intention as may be just and equitable. In the event that a portion of the improvement has been found to be entirely without the power of said city to order, then said assessment shall be for the remainder of the improvement only, and the benefits arising from the improvement entirely without the jurisdiction of the city to order shall not be considered in making the reassessment. Upon the completion of the reassessment it shall be presented to the city council and a day of hearing shall be fixed by it which shall be at least twenty (20) days after the filing of the reassessment. The city clerk shall then advertise the fact of filing by publishing a notice in the official newspaper, or in such other paper as the council may direct, by five (5) insertions if the paper be a daily, or by two (2) insertions if it be a weekly or semi-weekly newspaper, stating the fact that the reassessment has been filed with him and that objections to said reassessment will be heard at the time specified by the city council. At the time fixed for such hearing or at such time or times to which the same may be thereafter adjourned, the city council shall consider the objections to said reassessment and in its discretion revise, correct and modify such reassessment in such manner as is most equitable, and it shall thereupon pass a resolution approving and confirming such reassessment and such decision shall be a final determination of all matters relating to the actual benefits derived or to be derived from the improvement by the respective lots, pieces and parcels of land enumerated in the reassessment. Said reassessment shall thereupon be recorded by the street superintendent and it shall in all respects have the same effect and weight as the original assessment, and shall be enforced in the same manner.

Hearing on
reassess-
ment.

All payments made upon the original assessment shall be credited upon the reassessment and in the event that the reassessment in any instance is less than the amount of the original assessment, the excess shall be payable to the persons who paid the original assessments.

Sec. 28. A redemption of any parcel of property sold for delinquent assessment may be made by any party in interest, at any time prior to the execution and delivery of a deed therefor, by paying to the street superintendent the amount for which the property was sold, and in addition thereto, ten per cent thereon if paid within three months from the date of sale; twenty per cent if paid within six months; thirty per cent if paid within nine months; forty per cent if paid within twelve months, or fifty per cent if paid at any time after twelve months. When redemption is made, the street superintendent shall note that fact on the duplicate certificate of sale on file in his office, and deposit the amount paid with the city treasurer, who shall credit the purchaser named in the certificate of sale with the said amount, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of assignment thereof, if any. When the municipality is the purchaser, the treasurer shall notify the clerk of the council of the redemption, and such clerk shall thereupon cancel the certificate of sale on file in his office.

Redemption of property sold for delinquent assessments.

Sec. 29. At any time after the expiration of twelve months from the date of sale, the street superintendent must execute to the purchaser, or his assignee on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof and the fact that no person has redeemed the property. The street superintendent shall receive from the applicant for a deed, one dollar for making such deed, unless the municipality is the purchaser, in which case no charge shall be made therefor. The purchaser or his assignee must, at least thirty days before he applies for a deed, serve upon the owner of the property, and upon the occupant of such property, if the same is occupied, a written notice, setting forth a description of the property, that said property has been sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which it was sold, the amount necessary to redeem at the time of giving notice, and the time when such purchaser or assignee will apply to the street superintendent for a deed. If the said owner can not be found, after due diligence, said notice must be posted in a conspicuous place upon said property, at least thirty days before the time stated therein, at which the application for a deed will be made. The person applying for a deed must file with the street superintendent an affidavit or affidavits showing that notice of such application has been given, as herein required, and if the

Deed.

notice was not served on the owner of the property personally, that due diligence was used to find said owner; which affidavit or affidavits must be filed by the street superintendent in his office. If redemption of the property is made after such affidavits are filed, and more than eleven months from the date of sale, the person making such redemption must pay, in addition to the other amounts required, three dollars for the service of notice and the making of such affidavits, which amount shall be paid over to the purchaser or his assignee in the same manner as other sums paid for redemption. No deed for any property sold for delinquent assessment shall be made until the purchaser or his assignee has complied with all the provisions of this section, and filed the proper affidavits with the street superintendent.

Deed prima
facie
evidence.

SEC. 30. The deed of the street superintendent shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the execution thereof, and of title in the grantee.

Payments
to city
treasurer.

SEC. 31. The street superintendent shall from time to time pay over to the city treasurer all moneys collected by him on account of any assessment made under the provisions of this act. The city treasurer shall on receipt thereof place the same in a special fund, designating such fund by the name of the improvement for which the assessment was made. The city council shall on or before the time when said assessments become delinquent, cause to be transferred from the general or other appropriate fund of the city to said special fund the percentage of the total expense of such improvement to be paid by the city as provided in the ordinance of intention.

Payment of
amounts
awarded to
defendants.

SEC. 32. As soon as there is sufficient money in the hands of the city treasurer, in the special fund devoted to the proposed improvement, to pay the amounts awarded to the defendants by the interlocutory judgment in the action of condemnation, or such parts thereof as have not been paid by offset against assessments, as hereinbefore provided, the said amounts shall be paid to the parties entitled thereto, or into court for their benefit. On satisfactory proof being made to the court of payment of the amounts awarded by the interlocutory judgment to the respective parties entitled thereto, or into court for their benefit, it shall direct the interlocutory judgment to be satisfied, and shall make and enter a final judgment, condemning the lands described in the complaint to the use of the plaintiff for the purposes specified in such complaint.

Supplemen-
tary
assessment.

SEC. 33. In case of a deficiency in the fund for such improvement, the city council, in its discretion, may provide for such deficiency by an appropriation out of the general fund of the treasury, by ordering a supplementary assessment to be made by the street superintendent upon the property in said assessment district in the same manner and form, and subject to the same procedure as the original assessment, and in the last named case, in order to avoid delay, the city council may advance such deficiency out of the city treasury and reimburse

the treasury from the collections under such supplementary assessment. In case of a surplus in the fund for such improvement, the city council may order such surplus refunded pro rata to the parties who paid the assessments.

SEC. 34. The following words and phrases shall, where used in this act, have the following meanings: Words and phrases defined.

(1) The term "improvement" includes all of the improvements mentioned in section one of this act.

(2) The terms "municipality" and "city" include all incorporated cities, cities and counties, and other corporations organized for municipal purposes.

(3) The term "city council" and "council" include any body or board in which by law is vested the legislative power of any municipality.

(4) The term "clerk" and "city clerk" include any person or officer who acts as clerk of said city council.

(5) The terms "treasurer" and "city treasurer" include any person or officer who has charge and makes payment of the city funds.

(6) The term "street superintendent" includes any officer or board whose duty it is by law to have the care or charge of streets, or the improvement thereof, in any city. In any city where there is no street superintendent, or no such board, the city council thereof is hereby authorized to appoint a suitable person to perform the duties imposed by this act on the street superintendent, and all the provisions hereof applicable to the street superintendent shall apply to the person so appointed.

(7) The terms "owner" and "any person interested" include the person owning the fee, or the person in whom, on the day any protest or petition is filed, the legal title to real property appears, by deeds duly recorded in the county recorder's office of the county in which said city is situated, or any person in possession of real property, as the executor, administrator, trustee under an express trust, guardian or other legal representative of the owner, or any person in possession of real property under a written contract of purchase thereof duly recorded, or any person in possession of real property, as lessee thereof under a lease duly recorded, which shall require such lessee to pay or discharge all assessments for street or other public improvements, that may be levied or assessed against such real property.

(8) The term "property of any railroad or street railroad" shall be deemed to include and shall include property owned or controlled by any person, firm or corporation, as a railroad, street railroad or interurban railroad right of way whether such right of way be owned or controlled in fee or as an easement or by virtue of a franchise or otherwise, also the roadbed, ties and rails located on such right of way; and such property shall be assessed and the assessment thereof enforced in the same manner and to the same effect as other lands and property in the assessment district.

Description
of district
and im-
provement.

SEC. 35. In all resolutions, notices, orders and determinations subsequent to the ordinance of intention, a description of the assessment district by reference to the ordinance of intention shall be sufficient, and in all resolutions, notices, orders, and determinations subsequent to the "notice of improvement" a description of the improvement by reference to the ordinance of intention shall be sufficient.

Posting of
notices
when no
newspaper.

SEC. 36. In case there is no daily or weekly newspaper published and circulated in the city, then such notices and delinquent lists as are herein required to be published in a newspaper shall be posted in three of the most public places in such city, for the length of time required herein for the publication of the same in a weekly newspaper. No publication or notice other than that provided in this act shall be necessary to give validity to any proceedings had thereunder.

Proof of
publication
or posting
of notice.

SEC. 37. Proof of publication of any notice required by this act shall be made by affidavit, as provided in the Code of Civil Procedure, and proof of the posting of any such notice shall be made by the affidavit of the person posting the same, setting forth the facts regarding such posting. It shall be the duty of any officer who is required by this act to have any notice published or posted, to obtain and file in his office the affidavit or affidavits in proof thereof; *provided*, that his failure so to do shall not affect the validity of any proceedings under this act. Any such affidavit so filed shall be prima facie evidence of the facts therein stated regarding such publication or posting.

Improvement
bonds.

SEC. 38. The city council of any municipality shall have the power, in its discretion, to determine that improvement bonds shall be issued to represent assessments of fifty dollars (\$50), or over, for the cost of the improvement authorized in section one of this act, in the manner and form provided by "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911.

Title.

SEC. 39. The provisions of this shall be liberally construed to promote the objects thereof. This act shall be designated and referred to as the "sewer right of way act of 1921," and shall take effect and be in force upon its passage and approval.

CHAPTER 224.

An act to amend sections two and three of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, by making the provisions of said act applicable to proceedings for the

acquisition of property, easements and rights of way for sewers and drains for sanitary or drainage purposes, and provided when bonds may be issued.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section two of the act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, is hereby amended to read as follows:

Stats. 1911,
p. 1193,
amended.

Sec. 2. City council of any municipal corporation of this state may, in its discretion, at or before the time of the confirmation of any assessment or assessment roll in proceedings had and taken under the street opening act of 1903, the park act or under any act which may hereafter become a law, providing for the acquiring of property, easements and rights of way necessary or convenient for the construction of sewers and drains by municipalities for sanitary or drainage purposes, determine that improvement bonds may issue to represent such assessments, which determination shall be made by resolution or ordinance.

Council may determine issue of improvement bonds.

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

Stats. 1911,
p. 1193,
amended.

Sec. 3. Whenever it is determined, as provided in section two hereof, that improvement bonds may be issued to represent assessments, the owner of any lot or parcel of land against which an assessment has been made, when the amount of such assessment is fifty (\$50.00) dollars or over, may, at any time prior to delinquency, elect to pay such assessment in installments and to have an improvement bond issued against said lot or parcel of land in the form and manner and with the effect in this act provided.

Payment of assessments in installments.

CHAPTER 225.

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

the payment of such bonds," approved April 7, 1911, as amended, relating to the relative priority of special assessment liens.

[Approved May 28, 1921. In effect July 20, 1921.]

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

Stats. 1915,
p. 1468,
amended.

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

Recording
warrant, etc

Sec. 23. Said warrant, diagram, and assessment, together with the certificate, if any, of the city engineer of the quality and character of the work done shall be recorded in the office of said superintendent of streets. When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; such lien shall be subordinate to all special assessment liens previously imposed upon the same property, but it shall have priority over all special assessment liens which may thereafter be created against the said property; and from and after the date of said recording of any warrant, assessment, diagram and certificate, all persons mentioned in section eleven of this act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, diagram, and certificate are recorded, the same shall be delivered to the contractor or his agent, or assigns, on demand, but not until after the payment to the said superintendent of streets of the incidental expenses not previously paid by the contractor, or his assigns; and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

CHAPTER 226.

An act to amend sections sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five and seventy-six of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities,

and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to the foreclosure of delinquent bonds, and providing an alternative method of foreclosure;

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

Stats. 1915,
p. 1474,
amended.

Sec. 67. Whenever payment either upon the principal, or of the interest upon any bond issued hereunder has not been, or shall not be made when the same has become, or shall become due, and the holder of the bond demands in writing that the city treasurer proceed to advertise and sell the lot or parcel of land described by said bond as being that upon which the assessment represented by said bond was levied, then said treasurer shall proceed as provided in the next section:

Penalty for
nonpayment.

Sec. 2. Section sixty-eight, of said act, is hereby amended to read as follows:

Stats. 1919,
p. 535,
amended.

Sec. 68. The treasurer shall publish for two (2) weeks in a newspaper of general circulation, published in the city in which said bond was issued, or if no newspaper is published in said city, then in some newspaper having general circulation therein, a notice which shall be substantially (filling in all blanks) as indicated following, to wit:

Notice of
sale of
property.

"Notice of sale of property delinquent for nonpayment of bond No. _____, series No. _____, issued for the improvement of _____. Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said bond having demanded in writing that the city treasurer of the city of _____ proceed to advertise and sell the lot or parcel of land mentioned in the said bond. Now, therefore, I give notice that I will on the _____ day of _____, 19____, at the hour of _____ o'clock ____m., of said day, sell at public auction the lot or parcel of land mentioned in said bond, or so much thereof as may be necessary at (here state the place of

sale, which shall be at the office of said treasurer or at some public place in said city) unless the amount due on said bond and the accrued interest thereon together with the cost of the publication of this notice are paid; and that I will so sell the same to the person who will take the least amount of said lot or parcel of land and pay a full amount of unpaid principal and interest on said bond, together with costs of publication. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit: (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, ----- dollars; due on account of interest, ----- dollars (here set forth the interest calculated and compounded semiannually up to the day on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid). Total amount due on said bond (here set forth the total of the foregoing items).

In order to avoid this sale, payment of the total amount above named will be required together with the cost of publications made before such payment and the additional interest accruing up to the date of payment.

In the event of sale, such sale will include interest in addition to the above total amount due accruing up to date of sale, the cost of publication of notice of sale, and one dollar for the issuing of certificate of sale. The----- (here naming newspaper) is designated as the newspaper in which this notice shall be published.

Dated-----

Treasurer of the city of -----"

The day named in the notice shall not be less than fifteen (15) days from the date of the first publication of the notice.

SEC. 3. Section sixty-nine, of said act, is hereby amended to read as follows:

Sec. 69. An affidavit of the publisher of the newspaper in which the notice was published, or of someone in behalf of said publisher, setting forth a copy of the publication and stating that the publication was made in the said newspaper on specified dates shall be filed with the city treasurer and shall be primary evidence of the due publication of the notice:

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

Sec. 70. The city treasurer shall collect the sum of one dollar (\$1.00), as hereinbefore mentioned, for the issuance of the certificate of sale, which sum shall belong to, and be subject to the disposition of the city; any person interested in the lot or parcel of land described in the notice of sale may at any time prior to the sale, pay the whole amount of principal of said bond remaining unpaid, the interest thereon compounded semiannually up to the date of such payment, at the rate named in said bond upon such amount of said principal remaining unpaid for the whole period for which

Stats. 1911,
p. 701,
amended.

Publisher's
affidavit.

Stats. 1910,
p. 556,
amended

Collection
of penalties.

interest has not been paid, together with the cost of the publication of the notice of sale; in such event the payment being made, the bond shall be cancelled; but if such payment be not made, the sale shall be made as advertised; the lot or parcel described in the bond shall be sold to the purchaser who shall take the least amount of said lot or parcel and pay all of the sums specified in the notice of sale given by the treasurer. In the event that through error or otherwise the total amount for which said sale shall be made is less than that which may be required by the provisions hereof, and the holder of the bond is the purchaser at the sale and elects to accept the certificate of sale hereinafter mentioned, or if he accepts from the treasurer such sum derived from said sale made to some other purchaser, then the fact that the sale may have been made for less than the amounts specified herein shall not effect or invalidate the sale, and such receipt of said certificate or said sum shall be a waiver on the part of the holder of said bond, and the said deficient amount of sale shall be the amount upon which redemption from the sale shall be calculated to all effects the same as if the sale had been made for the full amount authorized hereby;

SEC. 5. Section seventy-one, of said act, is hereby amended to read as follows:

Stats. 1911,
p. 702,
amended.

Sec. 71. The city treasurer, before delivering any certificate, must, in a book kept in his office for that purpose, enter the date, number, and series of the bond, a description of the land sold corresponding with the description of the certificate, the date of sale, purchasers' name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words: "Cancelled by sale of the property," giving the date of such sale;

Treasurer's
record.

SEC. 6. Section seventy-two, of said act, is hereby amended to read as follows:

Stats. 1919,
p. 550,
amended.

Sec. 72. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, and the fee of the recorder for recording the certificate of sale, with interest thereon at the rate of one per cent per month from the date of sale: the city treasurer shall issue for each sale an original and a duplicate certificate of sale reciting therein the date, number and series of the bond under which the sale was made, describing the land sold, and giving the date of sale, purchasers' name, amount paid, and the number of the certificate. He shall deliver the original certificate to the purchaser and shall record the duplicate in the office of the recorder of the county in which the land sold is situated.

Purchaser's
lien on
property.

Stats. 1911,
p. 782,
amended.

SEC. 7. Section seventy-three, of said act, is hereby amended to read as follows:

Redemption.

Sec. 73. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided; redemption must be made in lawful money of the United States, and when made to the city treasurer he must mark the word: "Redeemed," the date and by whom redeemed on the margin of the book where the entry of the certificate is made, and credit the amount paid to the purchaser named in the certificate, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of an assignment thereof, if any;

Stats. 1915,
p. 1476,
amended

SEC. 8. Section seventy-four, of said act, is hereby amended to read as follows:

Deed to
purchaser.

Sec. 74. If the property is not redeemed within the time allowed by section seventy-three hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; *provided, however,* that the purchaser of the property, or his assignees must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be

Notice of
sale and
application
for deed.

entitled to receive the sum of fifty cents for his service of such notice and the making of said affidavit, which sum of fifty cents shall be paid by the redemptioner at the time and in the same manner as the other sums, costs and fees are paid;

SEC. 9. Section seventy-five, of said act, is hereby amended to read as follows: Stats. 1915,
p. 1476,
amended.

Sec. 75. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all encumbrances, except the lien for state, county and municipal taxes; Absolute
title.

SEC. 10. Section seventy-six, of said act, is hereby amended to read as follows: Stats. 1911,
p. 763,
amended.

Sec. 76. In the event of the nonpayment of any installment of the interest or principal and by way of a separate, distinct and cumulative remedy, the holder of any bond upon which any payment either upon the principal or of the interest has not, or shall not be made when due, may file and maintain a suit to foreclose the lien of the bond in the same manner provided in this act for the foreclosure of the lien of delinquent assessments. The complaint in such suit shall be sufficient if a true copy of the bond be therein set forth and true allegations made regarding the payments made upon the principal and interest thereon, and such suit shall be brought in the superior court within whose jurisdiction the city is by which the said bond has been issued and in case the owner of the lot, or parcel of land covered by said bond, can not with due diligence be found, the service of such action may be had in the manner prescribed in the codes and laws of this state. The said bond, together with proof either orally by the said treasurer of the said city or by a certificate signed by him showing the nonpayment of any of the principal or interest upon said bond, shall be prima facie evidence of the right of the plaintiff to recover in said action. The court in which said suit shall be commenced shall have the power to adjudge and decree a lien against the lot or parcel of land covered by said bond and to order said premises to be sold on execution as in other cases of the sale of real estate by the process of said court, and the amount of interest due shall be calculated in the same manner hereinbefore set forth in section sixty-eight hereof, up to the date of the signing of the judgment. On appeal, the appellate courts shall have the same power to adjudge and decree a lien and to order such premises to be sold on execution of decree as is conferred on the court from which an appeal is taken. The court shall also fix and allow a reasonable attorney's fee for the prosecution of said suit. Such premises, if sold, may be redeemed as in other cases. Such action shall be governed and regulated by the provisions hereof, and also when not in conflict herewith, by the codes of this state. Suit to
foreclose
lien.

CHAPTER 227.

An act to amend section twenty-eight of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1911,
p. 746,
amended.

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

Reassess-
ments.

Sec. 28. Reassessments. Whenever any assessment heretofore issued or which may be hereafter issued is or shall be void, or unenforceable, for want of sufficient authority for its issuance or from irregularities, or illegalities in the proceedings, or if bonds shall have been, or shall be, issued to represent any assessments and such issuance shall not have been, or shall not be effective through the curative provisions thereof to make them valid and enforceable, then, in any of such events a reassessment therefor may be issued. The true intent and meaning of this section is to make the cost and expense of work or improvement made through an attempted compliance with this act, payable by the real estate benefited by such work or improvement by making a reassessment therefor.

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

When to be
ordered.

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

First—Where the owner or holder of any assessments, or of bonds issued to represent assessments request the legislative body of the city in which the assessment has been or shall be issued to order a reassessment. In such event if said legislative body be of the opinion that the assessments or bonds in question are not enforceable, it shall order the making and

issuing of a reassessment covering only the assessments owned or held by the petitioner, or the assessments represented by the bonds owned or held by such petitioner.

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

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

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

Manner of making reassessment.

The superintendent of streets shall, upon the entering of a decree of court directing a reassessment or upon the making of an order by the legislative body of the city directing a reassessment, assess upon and against the lots, pieces or parcels of land mentioned in the decree or order the benefits derived or to be derived by each from the said work or improvement estimated as of the date of the original assessment.

To each sum so reassessed there shall be added interest thereon from the date of the original assessment at the rate of seven per cent (7%) per annum. Such assessment need not be in any prescribed form, but shall refer to the original assessment, give the date of the original assessment and state that it is made pursuant to the order of the legislative body of the city or decree of the court, as the case may be. It shall then be presented to the legislative body, which shall fix a time for hearing before it. Such time must be at least twenty days after the reassessment is so presented. The city clerk shall then advertise the time of such hearing before the legislative body by publishing a notice in the newspaper in which the notice of award of contract for the improvement for which the assessment was made, was published unless the legislative body directs publication in some other paper. Such notice shall be published for five insertions, if the paper be a daily, or by two insertions, if the paper be published less frequently. At the time fixed for said hearing, or at such time or times to which the same may be thereafter adjourned, the legislative body shall consider the objections to said reassessment and in its discretion informally direct the revision, correction or modification of such reassessment in such manner as is most equitable. When such reassessment shall have been revised, or corrected or modified so as to comply with the judgment of said legislative body, then it shall pass a resolution confirming the reassessment. The street superintendent shall thereupon record the reassessment with a certificate at the end

Interest.

Recording reassessment.

thereof by the city clerk, that it is the reassessment approved by the legislative body of the city. He shall also note opposite the several assessments in the original assessment that have been displaced by the reassessment the fact that the reassessment has been made, giving its date, and shall credit upon such reassessment all payments theretofore made upon the original assessment, or upon the bonds issued to represent the same, applying such payments first to the interest due and then upon the principal. Such reassessment shall be collectible and payable in the same manner as an original assessment and shall be enforceable by suit in the same manner provided in this act for enforcing an original assessment. In the event that bonds issue under the original assessment they shall also issue upon the reassessment for such sum as may be reassessed against the lot, piece or parcel of land covered thereby. The lien of such reassessment shall hold its relative rank as to other special assessment liens as of the date of the original assessment.

CHAPTER 228.

An act to amend section seven of an act entitled, "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as amended, by amending subdivision eight, relating to the payment of assessments against public property.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1911,
p. 627,
amended.

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

Expenses of
work.

Sec. 7. Subdivision one. The expenses incurred for any work authorized by this act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as herein specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

Street
crossings.

Subdivision two. The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and

cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Subdivision three. Where a main street terminates in another main street, the expenses of the work done on one-half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination. One street terminating in another.

Subdivision four. Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another. Alley crossings.

Subdivision five. The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision six. Where a subdivision street, avenue, lane, alley, place or court terminates in another street, avenue, lane, alley, place or court, the expense of the work done on one-half of the width of the subdivision street, avenue, lane, alley, place or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision, street, avenue, lane, alley, place or court so terminating, according to its frontage thereon, half way, on each side, respectively, to the next street, avenue, lane, alley, place or court or to the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the other one-half of the width upon the lots fronting such termination. One alley, etc., terminating in another.

Subdivision seven. Where any work mentioned in this act (manholes, sewers, cesspools, culverts, crosswalks, piling and capping excepted) is done on one side of the center line of any street or sewerage or resewering is ordered to be done under the sidewalk on only one side of any street for any length thereof, the assessment for the expenses thereof shall be made only upon the lots and lands fronting nearest upon that side of the street and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side. Work on one side of street.

Subdivision eight. Whenever any lot, piece or parcel of land belonging to the United States or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board,

educational, penal or reform institution or institution for the feeble-minded or the insane, and being in use in the performance of any public function, fronts upon the proposed work or improvement or is included within the district declared by the city council in the resolution of intention to be the district to be assessed to pay the costs and expenses thereof, the city council may, in its discretion, in the resolution of intention, declare that said lots, pieces or parcels of land so owned and in use, or any of them, shall be omitted from the assessment to be made to cover the cost and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said resolution be omitted from the assessment then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement or lying within the limits of the assessment district without regard to such omitted lots, pieces or parcels of land. In the event the city council shall, in its resolution of intention, declare that the said lots, pieces or parcels of land so owned and in use, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, then such sum or sums as thereafter may be assessed against such lots, pieces or parcels of land, so owned and used, shall be payable by the city out of the general fund, unless the council shall in its resolution of intention designate another fund and the contract for said work or improvement thereafter made shall contain a provision to that effect: *provided, however*, that any such sum or sums which may be assessed against any such lots, pieces or parcels of land, so owned and used, shall not be payable by the city when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

Owners
may do
grading.

Subdivision nine. It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the city council, to perform, at his or their own expense (after obtaining permission from the council so to do, but before said council has passed its resolution of intention to order grading inclusive of this), any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the superintendent of streets, which certificate the superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said

owner or owners and his or their successors in interest, shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said streets for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; *provided, however*, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the superintendent of streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned, respectively, by said certified owners and their successors in interest; *provided, however*, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work (except grading), on such street, in front of any block, at his or their own expense, and the city council shall have subsequently ordered any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done; *provided*, that the work so done at the expense of such owner or owners, shall be upon the official grade, and in condition satisfactory to the street superintendent at the time said order is passed.

Subdivision ten. Whenever the resolution of intention declares that the cost and expenses of the work and improvement are to be assessed upon a district, the city council shall direct the city engineer to make a diagram of the property affected or benefited by the proposed work or improvement, as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the city council, the clerk shall, at the time of such approval, certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets of said city, who

Diagram of district.

shall, after the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets or city council, on appeal, proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece, or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said assessment district benefited thereby, to wit: Upon each respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section.

Railroad
subject to
assessment.

Subdivision eleven. The terms lot, lots, lands, piece or parcel of land wherever mentioned in this act shall be deemed to include and shall include property owned or controlled by any person, firm or corporation as a railroad, street or inter-urban railroad, right of way; and whenever a railroad, street or interurban railroad right of way shall front or abut on any street improved under the provisions of this act or shall be included within any district to be assessed for the cost of any improvement provided in this act, such railroad right of way (whether the same is owned in fee or as an easement) shall be included in the warrant, assessments, and diagram and shall be assessed in the same manner and with the same effect as other lots, lands or pieces or parcels of land are assessed as provided in this act and such railroad right of way shall be subject to sale for nonpayment of assessments as in this act provided.

Railroad to
improve
streets
between
tracks.

Subdivision twelve. Whenever any railroad track or tracks of any description exist upon the street or streets upon which the city council of any city has ordered an improvement to be made, and has excepted therefrom the portions used by the track, between the rails and for two feet on each side thereof, and between the tracks if there be more than one, the said order, unless said city council shall by resolution theretofore passed have declared the contrary, shall be deemed to be and constitute a requirement that the person or company having said railroad track or tracks thereon shall improve the said portion with improvements similar in all respects to, with the same materials, under the same specifications and superintendence, and to the like satisfaction as those ordered to be performed by said order ordering the work, and the resolution of intention and notice of proposed improvement shall be construed and are hereby declared to be notice to said person or company of the intention to order the same. Thereupon it shall be the duty of said person or company having such track or tracks on such street or streets to notify in writing the superintendent of streets if such person or com-

pany elects to perform such work at its own charge and expense and under its own direction; said notice must be delivered to the superintendent of streets within ten days after the first publication of notice or award of contract. The omission or neglect to make such election shall be construed as constituting the superintendent of streets the agent of the owner of said track or tracks, with authority to enter into a contract made in accordance with the provisions of this section for making the said improvements. Said superintendent of streets shall advertise for bids for the improvement of said portions of street or streets lying between the rails and for two feet on each side thereof, and between the tracks, if there be more than one. It shall be the duty of said city council to award the contract for the making of said improvements to the lowest regular responsible bidder. Such bidding and awarding of contracts shall be made in the same manner hereinbefore provided for the awarding of contracts for improvements, excepting that no notice of award shall be published. Immediately upon the award, the superintendent of streets shall enter into a contract with the person to whom said contract was awarded for the making of said improvement or improvements upon the portions of the street or streets described in said notice inviting bids, and at the price stated in said bid. The contractor shall execute bonds in the manner required for the execution of contracts for improvements. Upon the completion of the work and its acceptance, the street superintendent shall make a certificate of such completion together with a statement of the amount due under the terms of said contract for the performance of said work. Such certificate shall be countersigned by the mayor of said city, and shall be recorded in the office of said superintendent of streets. The contractor shall thereupon be entitled to payment of the full amount of said contract price, and the recording of such certificate shall be sufficient notice to the owner of such track or tracks that said contract price is due and payable. In the event that such amount is not paid within thirty days from the date of the recording of said certificate, the contractor may file a sworn statement to that effect with the superintendent of streets, who shall record the same in his office in the book in which the certificate of acceptance has been recorded. Said contractor shall thereupon have a cause of action against said person or company owning said track or tracks for the amount of said contract, together with a reasonable attorney's fee, and shall also have as security for the recovery of such amount, a first lien upon the track and franchises of said person or company, between whose rails or tracks the said work has been performed, contained within the corporate limits of said city. In such suit, the certificate of the superintendent of streets, hereinbefore mentioned, shall be and constitute prima facie evidence of the regularity of all proceedings, and of the right of the contractor to recover judgment against said person or company. Execution may be taken

Railroad to
improve
streets
between
tracks.

out upon the entry of judgment, and levied upon any property of said person or company subject to execution. In the event that said person or company shall file the written election to perform such work at its own cost and expense and under its own direction, no further proceedings shall be taken in the matter unless such person or company neglects or fails for thirty days, or for such further time as the city council may grant, to make said improvement. In the event that the improvement of the portions of the street or streets above described, between the rails for two feet on each side thereof, and between the tracks if there be more than one, shall not be made with diligence, or in all respects similar to the improvement of the rest of the street, or with the same materials or under the same specifications, and to the satisfaction of the superintendent of streets, the city council of said city may, by resolution entered in its minutes, prescribe such terms and conditions as to it may seem fit and proper before permitting the said person or company to continue with the said improvement. If the said person or company shall, after three days' notice of the adoption of said resolution, fail to comply with the terms and conditions so prescribed, the said city council may declare said person or company to have forfeited its privilege of performing such work under its own direction. Whereupon the street superintendent shall advertise for bids for the performance of such work, or such portions thereof as may remain uncompleted, and the contract therefor shall be awarded and entered into in the same manner hereinbefore provided for the awarding and execution of contracts where said person or company has not elected to make the improvement under its own direction; and upon the completion of the improvement, the contractor to whom such contract may be awarded, or his assigns, shall be entitled to a certificate from the street superintendent similar to that hereinbefore provided for, and shall have the right to collect from said person or company by suit the amount specified in such certificate in all respects the same as is hereinbefore provided where the contract is let for such improvement in the first instance.

Council may include different kinds of work in order.

Subdivision thirteen. The said council may include in one resolution of intention and order any of the different kinds of work mentioned in this act, and may include any number of streets and rights of way or portion thereof in one proceeding and one contract, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said accepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; *provided*, that this shall not be construed so as to affect the special provisions as to grading contained in this act.

CHAPTER 229.

An act to amend section two hundred twenty-four of the Civil Code, relating to adoption.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

224. A legitimate child can not be adopted without the ^{Adoption} consent of its parents if living, nor an illegitimate child without the consent of its mother if living, except that consent is not necessary in the following cases to wit:

1. From a father or mother if deprived of civil rights.
2. From a father or mother adjudged guilty of adultery or cruelty and for either cause divorced.
3. From a father or mother who has been judicially deprived of the custody and control of such child on the ground of abandonment, cruelty, neglect or habitual intemperance, by order of the juvenile court declaring said child to be free from the custody and control of its parents as provided in the juvenile court law of the State of California, approved June 5, 1915, and any act or acts superseding or amending same.
4. From a father or mother who has been declared either feeble-minded or insane by the state commission in lunacy or by three competent persons appointed by said commission; *provided*, that if so declared insane, said father or mother shall have subsequently been determined to be incurably insane by the superior court of the county where he or she resides.
5. From a father or mother of any child deserted by its parents without provision for their identification.
6. From a father or mother of any child relinquished by its parent or parents for the purpose of adoption expressed in writing signed and acknowledged by such parent or parents before an officer authorized to take acknowledgments, or signed by such parent or parents before two subscribing witnesses and acknowledged by such parent or parents before the secretary of any organization or society engaged in the work of placing dependent or deserted children into homes in this state, which organization or society has obtained a permit therefor, duly executed in writing, from the state board of charities and corrections, and when a copy of this relinquishment shall have been filed with the state board of charities and corrections prior to the commencement of any adoption proceedings affecting such child.

Such relinquishment, when reciting that the person making it is entitled to the sole custody of the minor, shall, when duly acknowledged before such officer or secretary, be prima facie evidence of the right of the person making it to the sole custody of the child and such persons sole right to relinquish.

Child in
orphan
asylum,
etc.

Any child, the consent of whose parents is not necessary for its adoption within the meaning of this section maintained by or in the custody of any orphan asylum within this state, any charitable organization or society receiving state aid or receiving commitments from the juvenile court, may be adopted with the consent of the president of such orphan asylum, charitable organization or society, or with the consent of such officer as may be authorized by the directors or managers of such asylum, organization or society to consent to adoption in such cases. Any orphan child for whose support no provision has been made by any person for a period of one year, but who has been maintained during said year, by or in the custody of any orphan asylum within this state, any charitable organization or society receiving state aid or receiving commitments from the juvenile court may be adopted with the consent of the president of such orphan asylum, charitable organization or society or with the consent of such officer as may be authorized by the directors or managers of such asylum, organization or society to consent to adoption in such cases.

CHAPTER 230.

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

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats 1911,
p. 744,
amended.

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

Sec. 24. The contractor or his assigns or some person in his or their behalf, shall call upon the persons assessed or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. The council may, by ordinance, provide that all assessments shall be paid through the superintendent of streets, in which event the contractor shall make no collections, and it shall then be the duty of the contractor in making demand, to demand that payment be made to the superintendent of streets of the amount assessed to each. If such ordinance be not passed and if any payment be made to the contractor, or his assigns, or to the person making demand in his or their behalf, the person receiving payment shall receipt for same upon the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded; *provided*, that whenever the person so assessed, or their agents, can not conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then it shall be unnecessary for the contractor, or his assigns, or for any person in his or their behalf, to make demand for payment.

Demanding
payment of
assessment.

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

Stats. 1915,
p. 1468,
amended.

Sec. 25. The warrant shall be returned to the superintendent of streets within thirty days after its date, with a return attached thereto signed by the contractor or his assigns or some person in his or their behalf, verified upon oath, stating the nature and character of the demand. Thereupon the superintendent of streets shall record the return so made with the record of the warrant and assessment either in the margin of said record or in the same book with and immediately following the record of the assessment; and also the original contract referred to therein if it has not already been recorded at full length in a book to be kept for that purpose in his office, and shall sign the record.

(Contractor's
return.

The said superintendent of streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be paid to the superintendent of streets for the plaintiff; *provided*, that the plaintiff has given notice in writing to the superintendent of streets of the pendency of such suit, and he may release any assessment upon the books of his office upon the payment to him of the amount of the assessment against any lot, with interest. If any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided, however*, in case any warrant is lost, upon proof of such loss a duplicate can be

issued upon which a return may be made with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten (10) per cent per annum until paid, said interest to be computed from the date of the recording of the return.

CHAPTER 231.

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

[Approved May 23, 1921. In effect July 20, 1921.]

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

Stats. 1915,
p. 1414,
amended.

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

Resolution
of intention.

Sec. 3. Before ordering any work done or improvements made, which is authorized by this act, the city council shall pass a resolution of intention so to do referring to the street by its lawful or official name, or the name by which it is commonly known, and briefly describe the work. Said resolution shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution; said time shall not be less than fifteen nor more than forty days from the date of the passage of said resolution. Said resolution of intention shall be published twice in one or more daily, semiweekly, or weekly newspapers published and circulated in said city, and designated by said council for that purpose. The city council may include in one proceeding, under one

resolution of intention and in one contract, any of the different kinds of work mentioned in this act and any number of streets and rights of way or portions thereof contiguous or otherwise, and it may except therefrom any of said work already done upon a street to the official grade. The lots and portions of lots fronting upon said excepted work already done shall not be included in the assessment for the class of work from which the exception is made; *provided*, that this shall not be construed so as to affect the special provisions as to grading contained in subdivision nine of section twenty of this act. Resolution
of intention.

The council may, in the resolution of intention, by reference to the plans and specifications, or otherwise, modify or change the grade at which the work is to be done. In such case the plans adopted for the proposed work shall show the existing official grade, and the grade at which the work is proposed to be done. In the event that the proposed work is to be done at a grade other than the existing official grade, the resolution of intention and the notices of improvement shall recite that fact and refer to the plans and specifications for further particulars as to such proposed grade.

Any property owner whose property is to be assessed to pay the costs and expenses of the proposed improvement may, at the time fixed in the resolution of intention for hearing objections to the proposed work and improvement, appear before the city council and make objections to the proposed change or modification of the grade. Failure to make such objections at such time shall be deemed to be a waiver of all objections to the proposed change or modification of grade, and shall operate as a bar to any claim for damages or any subsequent action looking to the prevention of the work or the recovery of damages on account of the performance of the work to such changed grade. The grade so changed or modified shall thereafter become and constitute the true official grade.

CHAPTER 232.

An act to amend the title of and to revise an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, as amended, and to include therein provision for

the doing of work adjacent to said public roads, streets, avenues, boulevards, lanes and alleys which is incidental to the work thereon.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1907,
p. 806,
amended.

SECTION 1. The title of that certain act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, as amended, is hereby amended to read as follows:

"An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys, not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of said work; for the payment of said bonds by special assessment taxes raised in assessment districts established for the purpose; and for county aid in such work".

Sec. 2. Said act is hereby revised to read as follows:

Road
district im-
provement,
powers of
board of
supervisors.

Section 1. Power is hereby vested in the board of supervisors of every county in this state, by and under the procedure prescribed in this act, to grade or regrade to the official grade, plank or replank, pave or repave, macadamize or remacadamize, gravel or regravel, pile or repile, cap or recap, oil or recoil the whole or any portion of roads, streets, avenues, boulevards, lanes or alleys so far as not within the territory of any incorporated city or town, and so far as by dedication or otherwise, public and open to public use, and to do so for any length or width of the same, one of the same or any number of the same in combination, and to construct and reconstruct therein or thereon sidewalks, sewers, manholes, culverts, bridges, cesspools, gutters, tunnels, curbing and crosswalks, and any other work, improvement or structure within or adjacent to any road, street, avenue, boulevard, lane or alley on which any improvements are being made or work done in so far as it is necessary or proper for the safe or convenient use of said road, street, avenue, boulevard, lane or alley or incidental to the work being done, and to do the aforesaid things singly or in any combination of the same, and the various items of the said work and constructions need not be conterminous; and to issue bonds

representing the costs and expenses of any said work or constructions as in this act hereafter provided; and to constitute a fund for the payment of such bonds as in this act hereafter provided; and to levy special assessment taxes upon a district as in this act hereafter provided; and to establish said district and determine its boundaries as in this act hereafter provided; and, as incidental to the exercise of the powers aforesaid, to establish official grades within said district and such districts; and to transfer from county funds to such special funds as in this act hereafter provided; and to purchase material and furnish the same to be used in the doing of any of the works above named: and to make direct contributions of money in part payment of the expense of any one or more or all the works above named.

But said board of supervisors is hereby prohibited from doing, under the provisions of this act, any work, except sewer or drain work, within the roadway of any railroad or within any area which by law is required to be kept in order or repair by any person or company having railroad tracks thereon; and this prohibition shall have the effect of excepting the prohibited work from that described in any resolution of intention in any proceeding under this act, and of charging all persons with notice of such exception or exclusion, and such exception of said prohibited work need not be made in any such resolution of intention.

Sec. 2. The board of supervisors is hereby vested with power as follows, to wit:

1. To appoint, at any stage of the proceedings before calling for proposals or bids, any competent engineer, to be designated "engineer of work" for the purpose of doing and furnishing all the civil engineering work or services, surveying and similar work and services necessary to the proper doing of the work. His compensation or at least the rate or some basis for computing the same shall be fixed and stated in the order of his appointment, which said order shall be entered in the minutes of the boards; provided, any county officer may be appointed as such engineer without compensation.

2. To appoint, in and as a part of the resolution of intention, any competent person to be designated "superintendent of work," whose duty it shall be to perform the services for him in this act prescribed or indicated, and to have the general actual supervision of the work. His compensation shall be fixed at the time and in the resolution of his appointment at a per diem not to exceed ten dollars for all time actually devoted to the work: provided any county officer may be appointed as such superintendent without compensation.

3. To designate any competent person for the purpose of preparing and furnishing the specifications required by section three of this act, and with such designation to fix his compensation, or some basis for computing the same, or to appoint any officer of the county without compensation.

Prohibited
work.

Appointment
of officers
and em-
ployees.

4. To appoint and designate other competent persons in the places respectively of the persons so originally appointed, with compensation, so far as practicable, proportionately the same as fixed for the original appointee, and to appoint such additional persons as may be needed to carry on said work; and to fix their compensation which shall be a charge against the district.

No part of such or any compensation for said officers or employees, or for services rendered by any of them shall be a charge against the county or any officer thereof; except that for furnishing specifications and posting the resolution of intention the county shall be liable in case the proceedings cease or are abandoned, before the award of the contract; *provided, further*, that whenever any county officer is appointed to any of the positions hereinabove mentioned without compensation, the actual and necessary expenses incurred under his supervision, including the compensation of other persons, made necessary by the duties of such positions shall be a charge against the county but shall be repaid to the county by the contractor as in section twenty-five provided.

No member of the board of supervisors shall be eligible to appointment to any office, position or employment under this act, except as county officer without pay.

Preparation
of speci-
fications.

Sec. 3. A board of supervisors desiring to do any work under the provisions of this act shall, by an order to be entered on its minutes, designate some county officer or some other competent person to prepare specifications for the work. Such order shall be entitled "In the matter of road district improvement number ----" and the number used in said title shall be the number employed throughout the proceeding. The specifications shall contain a description of the work to be done; shall include a statement of the estimated cost of the work, inclusive of incidental expenses and of the cost of the proceedings; shall describe the district to be benefited by the proposed work; and shall specify the grades for all roads, streets, avenues, boulevards, lanes and alleys or portions thereof so far as the same are to be improved. If any official grade has already been adopted or established for any of said roads, streets, avenues, boulevards, lanes or alleys proposed to be improved, it shall be lawful in said specifications to provide new grades or grades different from those already established or adopted. Said specifications shall be signed by the person designated to prepare them and presented to the board of supervisors. The board of supervisors shall examine said specifications and may approve them or order modifications to be made in them. When approved by the board of supervisors they shall be filed with the clerk of the board. At any time before the adoption of the resolution of intention the specifications may be corrected or modified by order of the board.

Any error or informality in the appointment of any person to prepare specifications, or the omission of a formal order of

appointment, shall not invalidate the proceedings where specifications otherwise sufficient are in fact filed.

Sec. 4. After specifications have been prepared and filed for any work to be done under this act, the board of supervisors shall pass a resolution of intention to order said work done. Such resolution may, in form, and shall, in substance, be (filling all blanks) as indicated following, to wit:

In the matter of road district improvement number-----, resolution of intention number----- (the same number for both blanks).

Resolved. That it is the intention of the board of supervisors of the county of-----, State of California, proceeding under and by virtue of the road district improvement act of 1907, and in the matter of road improvement district number____, on the-----day of----- 19____, at the hour of ____m. of that day or as soon thereafter as the matter can be heard, at the chambers of said board, to order work to be done as follows: (Here insert a description of the work, stating in general terms the location and nature of the work to be done), the said work to be done in accordance with the specifications therefor filed with the clerk of said board on the-----day of-----19____, except as the boundaries of the district and grades therein specified may be changed at the hearing of the matter hereinafter mentioned, which specifications are made part hereof by this reference, and to which all persons are referred for further particulars as to the location and nature of said work. For the costs and expenses of the work and the proceedings bonds will be issued to the amount of the same, bearing interest at the rate of----- per cent per annum, payable semiannually, and one----- part of the principal payable annually, all in gold coin. (It may be added: "the first payment of principal will be made -----years not to exceed five after the bonds are issued".)

A special fund for the payment of said bonds is to be constituted by the levy of special assessment taxes upon all land within a district to be known as "road improvement district number----- of the county of-----", (and it may be added: "and partly by transfer of moneys from county road funds").

Such district (as proposed) being all that territory in the county of-----, State of California, within exterior boundaries as follows, to wit: ----- (the blank to be filled with a careful statement of the exterior boundaries of the district which will be benefited by the proposed work, including territory within an incorporated city if necessary).

Notice is hereby given that at the time specified hereinbefore for ordering the work, the matter of said road district improvement number----- will come up for hearing, and all objections which are, under the provisions of said road district improvement act of 1907, entitled to be heard or determined, will then be heard and determined, and the boundaries of

said district and grades therein be finally determined and established.

The _____ (here insert name and character of newspaper), is hereby designated as the newspaper for making publication of this resolution and for making all other publications in the proceeding.

_____, a competent person, is hereby appointed superintendent of work with compensation at the rate of _____ dollars per diem for days actually spent in the performance of duty under this appointment. (or, in lieu of the paragraph last preceding, it may appear, "_____, a county officer is hereby appointed superintendent of work").

(Either one or both of the following paragraphs may be added.)

The county will furnish and deliver to the contractor at _____ (here state place of delivery), the following materials to be used in said work, to wit: _____ (here insert a statement of the amount and kind of materials to be furnished by the county). The same to be purchased from its _____ fund.

The county of _____ will, out of its _____ fund, pay _____, (here set forth either a stated amount or a stated portion of the contract price) to the contractor by county warrant and said bonds will be issued for the remaining part of the costs and expenses of the work and proceedings.

The foregoing resolution was, on the _____ day of _____, 19____, passed by the board of supervisors of the county of _____, State of California.

Attest: _____
Clerk of the board of supervisors of
said county of _____

Funds.

Sec. 5. If the resolution of intention in the matter of any road improvement district provides that the county will furnish the materials to be used in the work, or if it provides that the county will pay either a stated amount or a stated portion of the contract price, the fund from which such materials are to be purchased or such amount or portion paid must be set forth. Such fund may be (1) the fund of the road district in which the proposed improvement lies, or the funds of the road districts in which it lies if it lies in more than one; (2) any other fund available for the construction or maintenance of roads and bridges; or (3) the county general fund.

Publication
of resolu-
tion.

Sec. 6. Such resolution of intention shall be filed, and be published by at least two insertions in the newspaper therein designated, which shall be a newspaper published and circulated in the county, or, if there be no such newspaper, then in any newspaper designated by said board of supervisors in such resolution. Printed copies of such resolution, headed, "notice of road district improvement," such heading to be in letters not less than one inch in length, shall be.

by the superintendent of work, or by some person appointed by him for the purpose, posted along the line of the work described in said resolution, at not more than five hundred feet in distance apart, but not less than three in all. The failure to post said notices shall in no wise affect the validity of the proceedings or the power of the board of supervisors to order the work.

Affidavits in proof of such publication and posting shall be filed with the clerk of the board of supervisors. When, before the day of the hearing specified in the resolution of intention, twenty days have elapsed since the posting and the first publication (they need not be simultaneous) of the resolution of intention, the board of supervisors shall have acquired power to proceed with such hearing and to take all other action in the proceeding as is in this act authorized.

The determination of the board of supervisors to proceed with such hearing, whether evidenced by an express declaration or by its proceeding to make other determinations at such hearing, shall be presumptive evidence of the existence of all the facts upon which the power of the board to proceed depends, except such as are required to appear of the record in the proceeding, and except, also, in so far as such presumption is rebutted by the record in the proceeding.

Sec. 7. At any time before the day in the resolution of intention specified for ordering the work and the hearing of the matter, any owner of land within the boundaries of the district as set forth in said resolution may, severally, or with other such owners, file with the clerk of the board of supervisors written objection to the ordering of the work as an entirety, and not merely to some part thereof, as described in the resolution of intention. ^{Objections.}

If upon said hearing it appears that a majority of the owners of land within the district, as set forth in the resolution of intention, have so in writing made objection going to the entirety of the work described in the resolution of intention and to the ordering of the same, the board of supervisors shall, by a resolution, to be entered in its minutes, so find; and thereupon such board shall have no power to proceed further under said resolution of intention, nor to pass any resolution of intention for doing the same work, during a period of one year next after the time of such finding; and the accrued costs of the proceedings shall be a charge upon the county. But if the fact be that a majority of the owners of land lying within the district, as set forth in said resolution of intention, have not so in writing made objection going to the ordering of the work, as an entirety, the board of supervisors shall so find, and may thereupon proceed with the hearing; but such finding need not then be in writing and may, for the purpose of proceeding with the hearing, be a mere announcement of the board. ^{Hearing.}

At the conclusion of the hearing, however, the said findings shall, severally, or with other determinations of the board,

be made in writing, to be filed and entered upon the minutes of the board.

Who are
owners.

Owners of land within the meaning of this section are those, and those only, who appear to be such upon the records in the recorder's office of the county in which the district is situated on the day before the day set for said hearing; and an executor or administrator shall be deemed representative of his decedent; and a trustee of an express trust in land, other than as security for the payment of money, of the land held in such trust; and a trustee in bankruptcy, of the bankrupt; and a guardian, of his ward.

Next after in order of hearing, the board shall proceed to hear such objections as may be made to the grades specified in the specifications.

Thereafter, in the order of the hearing shall be heard such objections as shall be made to the boundaries of the district as set forth in the resolution of intention. Objection to the grades or to the boundaries of the district may be made by an owner of land lying within the district upon the hearing without any written statement of the same.

The hearing may be continued from time to time by the board of supervisors by an order to be entered in the minutes of the board.

Finding
of board.

Sec. 8. Unless the power to proceed shall have ceased, as hereinbefore provided, the board of supervisors shall in conclusion of the aforementioned hearing, and as a sufficient determination of all questions arising thereat, by resolution or resolutions to be entered upon its minutes, declare its finding that a majority of the owners of land within the district described in the resolution of intention have not before the day of the hearing filed written objection, going to the ordering of the work to be done and determining the boundaries of the district to be benefited by the improvement, and the grades thereon. If no changes be made in the boundaries of the district as the same are set forth in the resolution of intention, it shall be sufficient to state that the boundaries of the district are those set forth in the resolution of intention, but if any change of such boundaries is made, the boundaries of the district, as finally determined, shall be fully set forth.

If no change be made as to the grades, as set forth in the specifications on file, it shall be sufficient to state that the grades of the same, as finally determined, are those set forth in such specifications. In either case, the boundaries of the district so determined shall be the boundaries of the district for all purposes of the proceeding and until any bonds to be issued for the cost of the work shall have been fully paid and discharged; and the grades so determined shall be the grades of the district for all the purposes of the proceeding and the "official grade" within the meaning of section one of this act; *provided, however*, that the boundaries of the district as the same are set forth in the resolution of intention shall not be so changed as to include within the district any territory

not within its boundaries as set forth in that resolution, nor so that the location of any work described in such resolution of intention shall be excluded from the boundaries of the district as so finally determined.

Sec. 9. In like manner the board of supervisors may order ^{Bids.} the work to be done and if it so do shall fix a time for receiving bids for doing the work and direct the clerk to give notice accordingly, inviting sealed bids. Such notice shall include a statement that the work is to be done "under the provisions of the road district improvement act of 1907" and according to the specifications on file therefor, except in so far as the grades specified therein shall have been fixed otherwise by the board of supervisors in conclusion of the hearing in said act provided; to which said act, to the resolution of intention and all proceedings had thereunder the attention of bidders shall be directed and they shall by reference be made a part of this notice.

Sec. 10. The notice inviting sealed bids shall be published ^{Notice} by at least two insertions in the newspaper designated in the ^{inviting} resolution of intention and, not necessarily simultaneous, a ^{bids.} copy or copies of the same be posted and kept posted for five days, at or near the chamber door of the board of supervisors. All bids shall be accompanied by a check, payable to the order ^{Certified} of the presiding officer of the board of supervisors, ^{check.} certified by a responsible bank for an amount not less than ten per cent of the aggregate of the bid, or by a bond for said amount running to the county, signed by the bidder, with two sureties qualifying each in said amount over and above all statutory exemptions before an officer competent to administer oaths, or with one duly authorized corporate surety.

Said bids shall be delivered to the clerk of said board, and said board shall, in open session, examine and declare the ^{Award to} same, but no bid shall be considered unless accompanied by ^{lowest} said check or such bond in terms satisfactory to the board. ^{bidder.} The board may reject any and all bids should it deem this for the public good, and shall reject all bids other than the lowest regular bid of any responsible bidder, and may award the contract for said work to the lowest responsible bidder at the price named in his bid.

A notice of such award, attested by the clerk of the board of supervisors, shall be published two days and posted for five days in the same manner as hereinbefore provided with respect to the notice inviting bids.

The check or bond accompanying such accepted bid shall be kept by the clerk of said board until the contract for doing said work, as hereinafter provided, has been entered into. If said bidder fails, neglects or refuses to enter into the contract for said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be declared forfeited to the county, and may be collected by it and paid into its general fund, and any

bond forfeited may be prosecuted, and the amount thereof collected and paid into said fund.

Expenses of proceedings.

Before being entitled to a contract the bidder to whom the award thereof has been made must advance and pay to the clerk of the board of supervisors, for payment by him, the costs and expenses of publishing and posting resolutions, notices and orders required under this act to be made, which have been made, given, posted or published in the proceeding.

Notice that proceedings are faulty

Sec. 11. At any time within ten days from the date of the first publication of the notice of award of contract any owner of, or other person having any interest in any lot or land within the boundaries of the assessment district who claims that any of the previous acts or proceedings relating to said improvement are irregular, defective, erroneous or faulty may file with the clerk of the board of supervisors a written notice specifying in what respect said acts and proceedings are irregular, defective, erroneous or faulty. All objections to any acts or proceedings prior to the first day of publication of the aforesaid notice of award in relation to said improvement not made in writing, and in the manner and at the time aforesaid, shall be waived. It is the intent of this section that any person failing to file such notice within the time specified shall be deemed to have intentionally waived every objection to the regularity or validity of such acts or proceedings, and shall be estopped from thereafter raising the same.

If bidder does not take contract.

Sec. 12. If, for fifteen days after the first publication of said notice of award, the bidder to whom the contract was awarded, fails or neglects or refuses to enter into the contract, the board of supervisors may direct the clerk of the board to give notice inviting sealed bids and thereupon the board shall proceed as in the first instance, and as in the case of the default of the first awardee, so also in the event of subsequent defaults.

Execution of contract.

Sec. 13. The presiding officer of the board of supervisors is hereby authorized, in the name of the county, to execute the contract with the awardee of the same, and to receive and approve all bonds by this act required on the part of such awardee. He shall, by the terms of said contract, fix the time for the beginning of the work, which shall not be more than twenty days from the date thereof, and the contract shall provide that the work be prosecuted with diligence until completed, and a time for such completion shall be in the contract fixed. Such time of completion may be extended from time to time by the board of supervisors, in its discretion, and by resolution, which shall be entered by the clerk in the minutes of said board, a copy of which shall be by said clerk endorsed upon or annexed to the contract. Such extension of time may be made at any time before the expiration of three months after the time for completion fixed in the contract or by the last previous extension.

Bond of contractor.

Before entering upon such contract, a bond shall be executed and filed, running to the county, in an amount not less than

one-half of the contract price of the work, signed by the contractor and two or more sureties, who shall aggregately qualify before an officer entitled to administer oaths in a sum equal to the amount of the bond, each surety in the amount for which he becomes surety, or by one duly authorized corporate surety. Such bond shall be conditioned upon the faithful execution of the contract by the party contracting to do the work, and the payment by him for all labor and materials furnished for or in the doing of the work. The form and sufficiency of said bond shall be passed upon by some member of the board of supervisors, and such bond shall inure as well to the benefit of any and all persons furnishing labor or materials for the work as to the county.

Said contract shall undertake on behalf of the county that the board of supervisors will, upon the fulfillment and performance of the contract on the part of the contractor, and under the provisions of the "road district improvement act of 1907," take all steps in or by said act authorized to be taken, to effect the issuing by the county treasurer of the bonds in said act authorized to be issued, and provide a fund for the payment of the same, as in or by said act prescribed; and it shall be in such contract stated that in no case shall any officer of the county be thereunder holden except for the discharge of official duty under the law, nor shall the county liable under the contract except for any materials or sums of money which the resolution of intention states will be furnished by the county.

Sec. 14. Whenever in the matter of any road district improvement the resolution of intention provides that the county will furnish materials to be used in the doing of the work, the execution of the contract for the doing of the work creates a liability on the part of the county to furnish the materials. If the county has a purchasing agent the materials shall be purchased by him. If the county has no purchasing agent the materials shall be purchased by the board of supervisors by contract let to the lowest responsible bidder after notice calling for bids has been published at least five days in a newspaper of general circulation in the county.

Purchase of
materials
by county.

Sec. 15. If after the execution of the contract the contractor shall fail to begin the work in good faith within the time provided in said contract, or shall fail at any time thereafter to prosecute said work diligently according to the terms of the contract, the superintendent of work shall make a report to the board of supervisors setting forth wherein the contractor is in default. Thereupon the board of supervisors shall cause written notice to be mailed to said contractor at his last known address that at a time, to be set in the notice and which must be not less than five days after the mailing of the notice, the board will hold a hearing to determine whether or not the contract shall be declared forfeited.

Hearing on
forfeiture of
contract.

At the time set in said notice, or at any time to which the matter may be continued, the board shall determine whether

or not the contractor is in default either in respect to beginning said work or in respect to its diligent prosecution. If the board determines that the contractor is in default it may declare the contract forfeited. In such event it shall either again call for bids and award the contract to the lowest responsible bidder as provided in sections nine and ten of this act, or it may declare the county the successor of the contractor.

New
contract.

If bids are again called for and a new contract entered into at a price greater than that in the contract declared forfeited, suit shall be brought on the bond of the original contractor for an amount equal to the excess of the second contract over the first, plus the cost of readvertising. The sum recovered shall be placed in the interest and sinking fund of the district.

Completion
of work.

If the county be declared the successor of the contractor, the work shall be completed under direction of the board of supervisors at the expense of the county either by contract or in any other method determined upon by the board. When the work is completed the declaration of completion required by section sixteen of this act shall be executed by the superintendent of work alone, and thereafter the proceedings prescribed by sections seventeen, eighteen, nineteen, twenty-one of this act shall be followed. When the bonds have been issued they shall be sold by the board and the proceeds applied to reimburse the county for all expenditures it has made in the premises, the balance to be paid to the original contractor. Should the proceeds realized from the bonds be insufficient to reimburse the county in full for its expenditures in completing the contract and its incidental expenditures, suit shall be brought on the bond of the original contractor, in an amount sufficient to reimburse the county.

Lien
against
bond of
contractor.

Sec. 16. If the contractor shall fail to pay for any labor or material furnished for, or in the doing of said work, by any person, such person shall have and hold a lien against the bonds to be issued to cover the cost and expenses of said work subject to the conditions herein set forth. Such person may at any time prior to the issuance of said bonds file with the county treasurer a verified statement of the fact that he has not been paid for such labor or material, stating the nature and amount of such labor or material and the amount due him therefor. The county treasurer shall withhold from the contractor or any one claiming under him as assignee or otherwise, sufficient of said bonds to satisfy such claim, and costs which can reasonably be anticipated. If the person filing such statement shall within three months after the date for issuance of bonds in said proceeding commence an action to enforce his lien aforesaid then the county treasurer shall keep the bonds so withheld, subject to the final judgment in such action; but if such action is not so filed the bonds so withheld shall be delivered to the contractor or his assignee. Such claimant, if he so elects, and if he has not received the said bonds, may as an alternative, at any time within six months after the filing of such statement bring an action on the bond of the sureties in his own

name, or if he has assigned his claim, the action may be brought in the name of the assignee; *provided, however*, that the right of the county to recover on said bond shall be superior to the rights of such claimant to recover thereon.

Sec. 17. As soon as may be done in good faith, there shall be filed with the clerk of the board of supervisors a declaration that the work has been completed according to the contract, together with an itemized statement of all the incidental costs and expenses of the work and the proceeding, inclusive of the estimated cost of publishing the notice of final hearing herein-after mentioned and of issuing the bonds.

Declaration upon completion of contract.

The aggregate of such items shall be stated, and, also, the amount due as of the contract price and the amount to be paid the contractor by county warrant, if any amount was set forth in the resolution of intention. The gross sum for a bond issue as claimed by the contractor shall also clearly appear. The said declaration and statements shall be signed and verified by the superintendent of work, and by the contractor or some person cognizant of the facts, signing on behalf of the contractor, and stating why he, instead of the contractor, so signs and verifies. Either signer may except from his signature and verification any amount or item to which he does not assent.

Sec. 18. The presiding officer of the board of supervisors is hereby authorized to fix a time and give a notice for a hearing for the purpose of determining whether the work shall be accepted as being completed according to the contract, and for determining the aggregate amounts for which bonds shall be issued.

Hearing on acceptance of work.

Such hearing shall be known as the final hearing. The notice of such hearing may, in form, and shall, in substance, be (filling the blanks) as follows:

Notice of final hearing in the matter of road district improvement number-----

Notice is hereby given that a final hearing of the above named matter will be had at the hour of-----m., on the -----day of-----19---, at the chamber of the board of supervisors of the county of-----, State of California, for the purpose of determining whether the work done under the contract made with----- under resolution of intention number -----in road improvement district number-----of the county of -----shall be accepted as being performed according to the contract, and for determining the aggregate amount for which bonds shall issue representing the cost of such work, inclusive of the incidental costs and expenses of the work and the proceeding, of which a statement has been filed with the clerk of said board of supervisors of the county of-----, to which statement the attention of all persons interested is hereby directed.

-----of the board of supervisors of the county of-----

Attest: -----
Clerk of said board of supervisors.

Such notice shall be signed by the presiding officer of the board of supervisors and attested by the clerk of the board of supervisors and published by at least two insertions in the newspaper designated in the resolution of intention, and a copy or copies thereof posted and kept posted for two days at or near the chamber door of the board of supervisors, the first day of such publication and that of such posting (they need not be simultaneous) to be not less than five days before the day in said notice specified for the hearing.

Proof of such publication shall be made by affidavit or affidavits, and the same shall be filed. If a quorum be not present at the time in the notice specified for the hearing, a member or members of the board then present may continue the hearing from day to day, and at all stages thereof the hearing may, by resolution, to be entered in the minutes, be continued from time to time.

Objections
to accept-
ance.

Sec. 19. At any time before the day in said notice specified for the hearing, any owner of property within the district, as finally established, may solely or with any other such owner or owners, file written objection to the acceptance of the work on the ground that the work has not been completed or done according to the contract, specifying in ordinary language the particulars in which the contract has not been so completed or done.

Any person interested in the proceeding, as of the interest of the contractor, shall be presumed to take issue with such objection, and be heard accordingly.

Questions going to any other matters to be determined at the hearing may be raised orally by any owner of property situated within the district.

Evidence may be adduced going to any of the matters to be determined, and in such order as the board may summarily direct.

If, when the matter has been fully heard, whether under or in the absence of objections, the board of supervisors is of the opinion that the work has not been completed or done according to the contract, it shall in writing specify what must be done in order to complete the work, and shall, by an order or resolution to be entered in its minutes, continue the further hearing of the whole matter to a specified day, expressly stating that such continuance is for the purpose of enabling the contractor to complete his contract.

On said continued hearing the objections filed before the day of the first hearing shall continue in force as against the work, and evidence be received, if offered, as to what has been done by way of completing the contract in the particulars specified in the order of the board on the said continuance of the hearing.

If, upon such continued hearing, it is the opinion of the board that the work is still uncompleted in the particulars as to which it was ordered to be completed, it shall be discretionary with said board to order or refuse a second continuance of the hear-

ing. If the board do order such second continuance, it shall be ordered in the same manner and with like effect as provided aforesaid, upon the first continuance.

And as provided aforesaid for a second continuance so of any other or further continuance.

All other objections shall pend and be heard on said day, or at any continued hearing had, as in this section aforesaid provided.

Every continuance of said hearing for the purpose of enabling the contractor to complete his contract or the work shall continue or revive such powers of the board of supervisors had, under the provisions of this act, in the proceeding, at the time of the filing of the contractor's declaration that the work was completed, as provided aforesaid, and also operate to extend the time for the completion of said contract in such manner that its completion within the time to which the hearing is continued, shall be as valid a performance of such contract as if completed at the time of filing such declaration or statement.

Sec. 20. Whenever upon the hearing in section eighteen aforesaid provided, whether at the first or any continued hearing, it shall be the opinion of the board of supervisors that the work has been completed and done according to the contract, said board shall by resolution to be entered upon its minutes so declare, and that the work is accepted, and shall in said resolution state the amount of the contract price for the doing of the work specified and performed, and the amount of the incidental costs and expenses of the work and proceedings which are to be charged against and to be paid by the contractor and the sum, if any, to be paid the contractor by the county, and the aggregate amount for which bonds are to be issued as hereinafter provided. The decision and determination of said board of supervisors at the hearing provided for in section eighteen and nineteen hereof shall be final and conclusive as to all matters determined at said hearing and as to all errors, informalities, irregularities, or omissions which said board of supervisors might have avoided or remedied during the progress of the proceedings, or which it can at that time remedy, upon all persons entitled to be heard before said board on said matters, and no bonds and assessment or tax thereafter levied for the payment of the bonds to be issued for said work and expenses shall be held invalid by any court for any error, informality, omission or other defect in the proceedings where the resolution of intention has been actually published as in this act provided, before the said board shall have ordered the work to be done.

Resolution
accepting
work.

Sec. 21. Whenever in the matter of any road district improvement the resolution of intention provides that the county will pay either a stated amount or a stated portion of the contract price, the liability of the county to pay arises upon the adoption of the resolution declaring that the work has been completed and done according to contract and that it is accepted. Immediately after the adoption of said order

Payment
by county.

Road district improvement bonds.

the amount which the county agreed to pay shall be paid to said contractor, less the amount of any incidental expense chargeable to and not paid by the contractor. Any amount so deducted shall be credited to the fund against which any such incidental expenses were charged.

Sec. 22. Upon the expiration of twenty days from the making of the final order mentioned in section twenty of this act, the clerk of the board of supervisors shall transmit to the county treasurer of the county an attested copy of said final order, and upon receipt of the same the treasurer shall proceed to issue bonds amounting in the aggregate to the principal sum for which bonds are to be issued as the same is stated in said final order. Said bonds, when issued, shall be dated as of the date when said final order of the board of supervisors was made. A bond may be issued in any amount, provided that the aggregate of the bond or bonds made payable in any one year is the proper part of the whole principal of the bond issue as specified in said final order, and that the interest thereon shall be payable as hereinafter in this act provided. The said bonds may be in form and shall in substance be as indicated following, to wit:

ROAD DISTRICT IMPROVEMENT BOND.

County of _____, State of California.

Road Improvement District No. _____

\$_____

Bond No. _____

Under and by virtue of an act of the legislature of the State of California, known as the "road district improvement act of 1907" (here may be inserted a further designation of the act, if desired) the county of _____, State of California, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of the said county, on the _____ day of _____, 19___, the sum of _____ dollars in gold coin of the United States of America, with interest thereon, in like gold coin at the rate of _____ per cent per annum, payable semiannually on the second day of January and the second day of July of each year from the date hereof (except the last installment thereof, which shall be payable at maturity of this bond) upon presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from date hereof to the next date of interest payment, and the last for interest to maturity hereof from the last preceding date of interest payment.

This bond is issued under and in conformity with the provisions of the above mentioned "road district improvement act of 1907," and the amendments thereof, and is one of a series of bonds of like date and effect numbered from one to _____ consecutively, amounting in the aggregate to _____ dollars, issued in behalf of road improvement district number _____ of said county, which constitute the

only indebtedness of said district. It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

This bond is payable out of road district improvement fund number ----- exclusively, as the same appears on the books of the treasurer of said county, and neither said county nor any officer thereof shall be holden for its payment otherwise; but in accordance with said act the board of supervisors of said county will annually, at the time of levying other taxes, levy upon all the land in said road improvement district a special assessment tax in an amount clearly sufficient to pay the principal and interest of said bonds as the same shall become payable.

In witness whereof said county has caused this bond to be signed by the chairman of its board of supervisors and countersigned by its treasurer and the seal of said board to be hereto affixed and said interest coupons to be signed by the said treasurer this ----- day of -----, 19--

Chairman of the board of supervisors
of the county of -----

(Seal of board of supervisors)

Countersigned: -----
Treasurer of the county of -----

Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the treasurer of the county, and shall have the seal of said board of supervisors thereto affixed, and when so signed shall be binding according to the terms thereof as prescribed in said form. The interest coupons attached to said bonds shall be in such form as the said treasurer may determine, subject to the provisions of this act and the determination made by the board of supervisors, and their signature by said treasurer alone, by either written or lithographed or printed facsimile signature, shall be sufficient. Said bonds shall be delivered by the said treasurer to said contractor or to his order, assignee, or lawful representative.

Sec. 23. Said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings prior thereto under this act, and after the same are issued, no tax levied or collected for the purpose of paying the principal or interest on said bonds shall be held to be illegal or set aside or refunded by reason of any informality, irregularity, omission or defect in any of the proceedings prior to the issuance of said bonds, nor shall any action or proceeding be thereafter commenced or maintained to cancel or set aside said bonds, or to prevent the payment thereof, or the levy or the collection of a tax for such payment.

Bonds
evidence of
regularity of
proceedings.

Payment
of bonds.

Sec. 24. The principal and interest of the bonds representing the cost of work done under the provisions of this act shall be payable in gold coin of the United States of America at the office of the treasurer of the county issuing the same. The board of supervisors is hereby vested with power to determine the number of equal annual payments, not to exceed twenty, by which the aggregate principal of the bonds to be issued under this act shall be paid and discharged. The board may in its discretion make the first payment of the principal of the bonds begin two years from the date of issuance thereof, and may fix the rate of interest not to exceed seven per cent per annum to be paid on said bonds and to make said bonds in all respects as indicated by the form therefor contained in this act; *provided*, that the board may by a four-fifths vote make the first payment of the principal of the bonds begin more than two years but not to exceed five years from the date of issuance thereof. It shall be a sufficient determination and fixing of the matters aforesaid to set forth in the resolution of intention the matters provided for in the form of said resolution as herein set forth. The portion of the principal of said bonds to be paid off each year after payments commence shall be the same for each of the years thereafter covered by said bond issue. The interest payments on said bonds shall be payable semiannually on the second days of January and July of each year, except the last installment, which shall be payable at maturity of the bonds, in the manner indicated in said form of bond. It shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

Incidental
costs and
expenses.

Sec. 25. The incidental costs and expenses of the work and the proceeding shall include the cost and expenses of all posting and publication of resolutions, notices and orders required by this act to be done, the compensation of the person appointed to prepare and furnish specifications, of the superintendent of work and of the engineer of work, and the estimated costs of preparing the bonds and any other expenses incurred by authority of this act or incidental to the completion of the improvement in the manner herein specified. All of said incidental expenses shall be chargeable to and paid by the contractor, but they may be paid by the county, in which event the contractor shall reimburse the county, and they shall have been paid, or the county reimbursed, before delivery of the bonds shall be made by the county treasurer; *provided, however*, that if said costs and expenses are not paid, or said reimbursement made, within ten days after notice given to said contractor that said bonds, excepting such number thereof as may be withheld to satisfy claims filed as hereinabove provided, are ready for delivery, a sufficient

number of said bonds may be sold at not less than ninety-five per cent of their face value to fully satisfy said costs and expenses, any surplus over said costs and expenses obtained by such sale to be paid to said contractor; *provided, further*, that the county treasurer may make delivery of such bonds, if there be deposited with him, subject to the order of the board of supervisors, money to the amount of the costs and expenses chargeable to the contractor as the same is stated in the attested order of the board of supervisors, provided for in section twenty-two of this act. The contractor and all persons claiming under him any interest in said bonds, whether of ownership, lien or otherwise, shall be deemed to have notice of the contents of this section.

Sec. 26. In each road improvement district in which bonds have been issued, a special fund to be named "road district improvement interest and sinking fund number-----," (the number to be that of the district) for the discharge and payment of such bonds and interest thereon, shall be constituted as follows, to wit: There shall each year at the time of the general tax levy for state and county taxes, be levied against and upon all of the land (not including improvements, but including any land which is the operative property of any public utility), within said road improvement district a special assessment tax, in an amount clearly sufficient, together with any moneys which are or may be in said fund to pay all the principal which has become or will become due, and all interest which has become or will become payable, on said bonds, before the proceeds of another tax levy made at the time of the general tax levy for state and county purposes, can be made available for the payment of such bonds.

The board of supervisors may annually, at the time of making the said tax levy, transfer from the general fund of the county, or from the fund of the road district or districts in which the road improvement district is situated, to the road district improvement interest and sinking fund such amount as in the judgment of said board should be transferred.

In any event it shall be the duty of said board of supervisors to levy a special assessment tax upon all lands, including lands comprising operative property of public utilities within said road improvement district, sufficient to pay the principal and interest of said bonds as the same shall become payable, and the board of supervisors is hereby vested with power to do all and singular the things which in this section aforesaid it is declared shall be done. Whenever any of said bonds or any interest thereon shall become due and there shall not be sufficient money in said road district improvement interest and sinking fund to pay the same, the board of supervisors may, pending the levy and collection of a tax therefor, order the amount of money necessary to pay the bonds or interest so falling due, to be transferred from the general fund to said road district improvement interest and sinking fund, and the

amount of money so transferred shall be deemed a loan to said road district improvement interest and sinking fund, and shall be repaid to the general fund from the first money coming into said road district improvement interest and sinking fund thereafter. The special assessment taxes provided for herein shall be levied and collected in the same mode and manner and by the same officers as the ordinary county taxes, and all laws applicable to the levy, collection and enforcement of such county taxes, are hereby made applicable to said special taxes.

Any money remaining in any road district improvement interest and sinking fund after all the bonds of the district have been retired, shall be transferred to the general fund of the county, and may be used in repairing any road in the district. If the greater part or all of the district has been annexed to an incorporated city said money shall be placed in the general fund of the city to be used in repairing any road within the district.

If court
determines
proceedings
void.

Sec. 27. Whenever any court of competent jurisdiction shall determine that any contract purporting to have been made or any proceedings for any improvement purporting to have been taken under this act is or are void, or shall for any cause enjoin the issuance of any bonds proposed to be issued under this act, said court shall also determine whether any work has been done in good faith by any contractor under said invalid contract or proceeding or under any contract pursuant to which said bonds were proposed to be issued, and if so what part if any of the said work was of such kind as might have been ordered under the provisions of this act. If the court shall find that any work of such kind as might have been ordered under this act has been done in good faith by any contractor under or in pursuance of a contract purporting to have been made under the provisions of this act, then said court shall direct the board of supervisors to take proceedings as in this section provided for the issuing of bonds to cover the reasonable value of said work. The board of supervisors may also without any decree of any court upon the written application of the contractor who may have done in good faith any work, pursuant to a contract purporting to have been made under this act, or of the assignee of such contractor, if such work shall have been accepted by the superintendent of work and the board of supervisors, determine that the proceedings authorizing said work or the acceptance thereof are for any reason invalid, and direct that new proceedings be had as provided in this section for the issuing of bonds to cover the reasonable value of so much of said work as is of a kind which might have been ordered under this act.

Report for
proposed
new bond
issue.

Sec. 28. Upon the decree of court or the order of the board of supervisors, having been made as provided in the preceding section of this act, the said board of supervisors shall cause to be made by some competent person, appointed by it for that purpose, a report for a proposed new bond issue. Said report shall set forth a description of the work

done by said contractor or assignee pursuant to the contract referred to in said decree of court or order of the board of supervisors, which work has been found by said court or said board to be of such kind as might have been ordered under this act, and shall state the reasonable value of said work (which shall not exceed the original contract price, if any, for said work), and the exterior boundaries of the district of land benefited thereby, and describe the bonds to be issued for the value of said work, which bonds shall be as nearly as possible the same as to maturity, rate of interest and other particulars as the bonds described in the original proceedings for said work, correcting any errors or irregularities that may have existed in the description of the bonds in said original proceeding, and subject to the limitations contained in this act as to maturity and rate of interest. Said report shall be entitled in the matter of the same road district improvement as the original proceeding under which said work was done, shall be signed by the person making it and be filed with the clerk of said board of supervisors. Upon the filing of said report the board of supervisors shall fix a time for a hearing thereon not less than thirty days after the time of the filing and shall designate a newspaper for publication of the notice hereinafter mentioned. The clerk of said board shall thereupon give a notice of the filing of said report and of said hearing, which notice may in form and shall in substance be (filling in blanks) as follows:

NOTICE OF FILING REPORT FOR PROPOSED NEW BOND ISSUE Notice of filing.

In the matter of road district improvement number-----
(Insert the same number as in the original proceeding)

Notice is hereby given that a report for a proposed new bond issue in the above entitled matter has been filed with the board of supervisors of the county of ----- . Said report describes work declared to be of the reasonable value of \$ -----, as follows: (Here insert a description of the location and extent of the work sufficient to identify the same and of the character thereof in general terms.) Said report declares that the district benefited by said work is bounded as follows: (Here insert description of the exterior boundaries of the district as in the report.) Notice is hereby given to all persons interested that it is proposed to issue road district improvement bonds for said work to the amount of the reasonable value thereof as above stated bearing interest at the rate of ----- per cent per annum, payable semi-annually, and one ----- part of the principal annually, all in gold coin of the United States (or such other language as is necessary to describe said bonds as in the report) and to pay the principal and interest of said bonds by the levy of special assessment taxes annually on all the land within the district above described, all as provided in the road district improvement act of 1907; and that a hearing on the said matter will be held before the said board of supervisors at

the hour of ____ m. on the _____ day of _____, 19--,
at the chamber of said board of supervisors.

Given by order of said board of supervisors this _____ day
of _____, 19--.

Clerk of said board of supervisors.

Said notice shall be published in the newspaper designated for that purpose five times if it is a daily newspaper or three times if it is a newspaper published less often than daily, and a copy thereof shall be posted for five days (not necessarily simultaneously) at or near the chamber door of said board of supervisors. Said publication and posting shall be completed not less than twenty days before the day fixed for the hearing.

Hearing.

Sec. 29. At the time fixed for the hearing of the report referred to in the preceding section, or at any time to which it may be continued, any person interested may appear and be heard on any of the matters set forth in said report. Said board of supervisors shall have power to confirm said report and to revise, correct or modify said report in such manner as it shall deem just and in accordance with the facts, in respect either to the amount or character of the work done, or the reasonable value thereof (which value, however, shall not exceed the original contract price, if any, for said work), or the boundaries of the district of land benefited (but not so as to include therein any lands not within the boundaries set forth in said report) and at the conclusion of the hearing shall adopt a resolution declaring its determination in the matter, which shall be conclusive on all persons and in all proceedings as to all matters so determined. If no change is made in any of the matters set forth in said report it shall be sufficient in said resolution to declare that said report is confirmed, but if changes are made therein they shall be set forth and it may be declared that the report is confirmed as so modified. The clerk of the board of supervisors shall at once transmit an attested copy of such resolution to the treasurer of the county and upon receipt of same the treasurer shall proceed to issue bonds as therein specified. Said bonds shall be dated as of the day of the passage of said resolution of confirmation and shall be issued and signed in all respects by the same officers and in like manner and form as the bonds issued under the provisions of section twenty-two of this act. The provisions of section twenty-three of this act shall apply to all bonds issued under this section the same as to bonds issued under section twenty-two hereof. Said bonds shall be delivered by the said treasurer to the contractor or to his order, assignee, or lawful representative.

Bonds.

Publication
of
resolution.

Sec. 30. If publication in the newspaper designated in the resolution of intention become impossible for the reason that such newspaper has ceased to be published or for any like reason, which renders publication therein impossible, the board of supervisors may, by a resolution to be entered in its min-

utes, and stating the facts, designate another newspaper for each required publication as occasion therefor arises.

Sec. 31. If at the time of any hearing under this act a quorum of the board of supervisors is not present, said hearing may, by order of any supervisor present or by announcement of the clerk of the board if no member of the board be present, be continued to a day and hour to be stated in the order or announcement. Such order or announcement and a statement of the names of the members of the board present, if any, shall be entered in the minutes of the board. Continuance of hearings

Sec. 32. All papers in a proceeding under this act (save such as thereunder may be returnable to owners) shall be filed with the clerk of the board of supervisors, and by him kept together in a package appropriately labeled. Whenever in this act the term "clerk of the board of supervisors" is employed, it shall be deemed to include one who is, ex officio, such, and it shall be immaterial that he designate himself as county clerk where the county clerk is ex officio clerk of the board of supervisors, nor shall it be material that his act be by deputy. Filing of papers.

Sec. 33. This act shall be known as the "road district improvement act of 1907" and by such designation shall be sufficiently identified in any proceeding thereunder, and whenever in the resolution of intention it shall be set forth or recited that the proceeding is under the "road district improvement act of 1907," this act shall be construed as the paramount statute for such proceeding, independently of, and alternatively for, other statutes for the improvement of public ways not within incorporated cities and towns. Title of act.

SEC. 3. Any road district improvement proceeding in which a resolution of intention has been passed before this act takes effect shall be continued and the bonds issued and the assessments to pay the same be governed by the law in force at the time of the passage of the resolution of intention, except that sections twenty-six, twenty-seven and twenty-eight road district improvement act of 1907 as revised by this act shall be applicable in the matter of any road improvement district, whether already formed, being formed or hereafter to be formed. Pending improvements.

CHAPTER 233.

An act to amend section fifty-six of the Civil Code, relating to the capability of minors to contract marriage.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

56. Any unmarried male of the age of twenty-one years or upwards and any unmarried female of the age of eighteen years or upwards, and not otherwise disqualified, is capable Capability of minors to contract marriage.

of consenting to and consummating marriage; *provided*, that any male under the age of twenty-one years and over the age of eighteen years and any female under the age of eighteen years and over the age of sixteen years, with the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, where such written consent is filed by the clerk issuing the marriage license, as provided in section sixty-nine of the Civil Code, is capable of consenting to and consummating marriage.

CHAPTER 234.

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

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1913,
p. 79,
amended.

SECTION 1. Section 20 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Assessment
for street
improvement.

Section 20. Subdivision 1. The expenses incurred for any work authorized by this act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as otherwise in this act specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

Subdivision 2. The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, or to the end of such street if it does not meet another, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Subdivision 3. Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on that side, according to the frontage of such lots on said main streets, and the expense of the work on the other half of the width of said street when the work is sewerage of the terminating street only, shall be assessed upon the lots fronting on the termination and the lots adjacent to said lots on each side half way from the termination to the next terminating or intersecting street, according to the frontage of such lots on that side, and in all other work done on the termination, the property fronting on the termination shall be considered frontage and be assessed as set forth in subdivision one of this section.

Subdivision 4. Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision 5. The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision 6. Where a subdivision street, avenue, lane, alley, place or court terminates in another street, avenue, lane, alley, place or court, the expense of the work done on one half of the width of the subdivision street, avenue, lane, alley, place or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street, avenue, lane, alley, place or court so terminating, according to its frontage thereon, half way, on each side respectively, to the next street, avenue, lane, alley, place or court or to the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the expense of the work on the other half of the width when the work is sewerage of the terminating subdivision street, avenue, lane, alley, place or court, shall

be assessed upon the lots fronting on the termination and the lots adjacent to said lots on each side half way from the termination to the next terminating or intersecting street, according to the frontage of such lots on that side, and in all other work done on the termination the property fronting on the termination shall be considered frontage and be assessed as set forth in subdivision one of this section.

Work on
one side
of street.

Subdivision 7. Where any work mentioned in this act (manholes, sewers, cesspools, culverts, crosswalks, piling and capping excepted) is done on one side of the center line of any street, or sewerage or resewering is ordered to be done under the sidewalk on only one side of any street for any length thereof, the assessment for the expenses thereof shall be made only upon the lots and lands fronting nearest upon that side of the street and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

Land be-
longing to
government.

Subdivision 8. Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, shall front upon the proposed work or improvement, or be included within the district declared by the city council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said city council may, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement, or lying within the limits of the assessment district, without regard to such omitted lots, pieces or parcels of land. In the event that the council shall, in such resolution of intention, declare that said lots, pieces or parcels of land so owned as aforesaid, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, or any of them, then said city shall be liable for such sum or sums as may thereafter be assessed against any such lots, pieces or parcels of land so owned and used, and so included in the assessment by reason of the aforesaid declaration, or such lots, pieces or parcels of land so owned and used respecting which the resolution of intention makes no declaration, which shall be payable by the said city out of the general fund unless the legislative body shall in its resolution of intention designate another fund; *provided, however,* that any such sum or sums which may be assessed against any such lots, pieces or parcels of land so owned and used, shall not be payable by the city when

such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

Subdivision 9. It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the city council, to perform, at his or their own expense (after obtaining permission from the council so to do, but before said council has passed its resolution of intention to order grading inclusive of this), any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the superintendent of streets, which certificate the superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners and his or their successors in interest shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said streets for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; *provided, however*, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the superintendent of streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credit, deducting the same as payments upon the amounts assessed against the lots and lands owned, respectively, by said certified owners and their successors in interest; *provided, however*, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work (except grading), on such street, in front of any

Owners may
improve
street.

block, at his or their own expense, and the city council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done; *provided*, that the work so done at the expense of such owner or owners, shall be upon the official grade, and in condition satisfactory to the street superintendent at the time said order is passed.

Diagram of
property
affected.

Subdivision 10. Whenever the resolution of intention declares that the cost and expenses of the work and improvement are to be assessed upon a district, the city engineer shall make a diagram of the property affected or benefited by the proposed work or improvement, as described in resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the city council, the clerk shall certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets of said city, who shall, after the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets or city council on appeal, proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such work, and in so doing shall assess said total sum upon the several pieces, parcels, lots or portions of lots, and subdivisions of land in said assessment district benefited thereby, to wit: upon each respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section, and the provisions of subdivisions one, two, three, four, five, six and seven of this section shall not be applicable to the work or improvement provided for in this subdivision.

Definitions.

Subdivision 11. The terms, lot, lots, lands, piece or parcel of land wherever mentioned in this act shall be deemed to include and shall include property owned or controlled by any person, firm or corporation as a railroad, street or interurban railroad right of way, and whenever a railroad, street or interurban railroad right of way shall front on or abut or parallel or be included with or divide longitudinally any street improved under the provisions of this act or shall be included within any district to be assessed for the cost of any improvement provided in this act, such railroad right of

way (whether the same is owned in fee or as an easement) shall be included in the warrant, assessment and diagram and shall be assessed in the manner and with the same effect as other lots, lands or pieces or parcels of land are assessed as provided in this act, and such railroad, street or interurban railroad right of way shall be subject to sale for nonpayment of assessments as in this act provided.

CHAPTER 235.

An act to amend section nineteen of an act entitled "An act to provide for the establishment and change of grade of public streets, lands, alleys, courts, places and rights of ways in municipalities, and providing for the improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds, approved June 16, 1913, as amended.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section nineteen of an act entitled, "An act to provide for the establishment and change of grade of public streets, lands, alleys, courts, places and rights of way in municipalities, and providing for the improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds, approved June 16, 1913, as amended is hereby amended to read as follows:

Sec. 19. Whenever any lot, piece or parcel of land belonging to the United States or to the State of California, or to any county, city, public agent, mandatory of the government, school board, public educational, penal, or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, is included within the district declared by the legislative body in the resolution of intention to be the district to be assessed to pay the costs and expenses of the improvement, the legislative body may, in its discretion, in the resolution of intention declare that such lots, pieces, or parcels of land so owned and in use, or any of them, shall be omitted from the assessment to be made

Stats. 1913,
p. 905,
amended.

Land be-
longing to
government.

to cover the costs and expenses of said work or improvement. In the event that said lots, pieces, or parcels of land, or any of them, shall by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots lying within the limits of the assessment district without regard to such omitted lots, pieces or parcels of land. In the event the legislative body shall in its resolution of intention declare that the said lots, pieces or parcels of land so owned and in use, or any of them shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, then such sum or sums as thereafter may be assessed against such lots, pieces or parcels of land so owned and used shall be payable by the city, out of its general fund, unless the legislative body shall in its resolution of intention designate another fund, and the contract for said work or improvement thereafter made shall contain a provision to that effect; *provided, however*, that any such sum or sums which may be assessed against any such lots, pieces or parcels of land so owned and used, shall not be payable by the city when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land. After all sales provided for in section fourteen of this act have been made the superintendent of streets shall report to the city treasurer the amount collected.

CHAPTER 236.

An act authorizing suits against the state to quiet title against it to real property entitled to be purchased under the provisions of an act entitled, "An act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Suits
against
state to
quiet title
to marsh
and tide
lands
authorized.

SECTION 1. In any case where the State of California has platted land for sale under the provisions of the following named acts, or any of them, to wit: "An act entitled 'An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California,' approved March 30, 1868; an act entitled 'An act supplementary to and amendatory of an act entitled "An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California,' approved March 30, 1868, approved April 1, 1870; and an act entitled 'An act supplementary to and amendatory to an act supplementary to and amendatory of

an act entitled "An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California," approved March 30, 1868; also an act approved April 1, 1870," approved March 30, 1874, or has sold or at any time agreed to sell to any person or persons under the provisions of said acts or any of them, and full payment has been made therefor to the State of California, or such person has or persons have, by himself or themselves, and his or their grantees, been in the exclusive and adverse possession and occupation of said land or lands, claiming to own the same, for more than thirty years and said land has been regularly assessed for a period of at least twenty years, and all taxes levied upon or assessed against said lands, municipal, county and state, have been paid by said person or persons and his or their grantees, and a judgment has been duly given, made and entered in favor of such person or persons in an action instituted under the provisions of "An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, and all or any acts supplementary to and amendatory thereof, ascertaining and determining that said person was or persons were the owner or owners in fee simple, and in the actual and peaceable possession, and entitled to possession of said real property, and that his or their title be quieted and established as against all the world and that no other person has any right, title, interest, claim or estate in or to said real property or any part thereof, either legal or equitable, present or future, vested or contingent, and that said judgment has become final, and no deed or patent has been made or delivered by or on behalf of the State of California, or the deed or patent from the State of California therefor has been lost or destroyed and was never recorded in the office of the county recorder of any county wherein any of such land is situated, the person or persons claiming title to any of such land is and are hereby authorized to bring an action against the State of California in any court of competent jurisdiction of said state, to quiet title to said land or any portion thereof, and to prosecute the same to final judgment. In any such action where it is established that said land has been regularly assessed for a period of at least twenty years, and such person or persons claiming title thereto, and his or their predecessors in interest has or have been in the exclusive and adverse possession of said real property, claiming to own the same adversely to the State of California and to all other persons, for said period of thirty years and has or have paid all of said taxes levied upon or assessed against said real property, and a final judgment has been duly given, made and entered in favor of such person or persons or their predecessor or predecessors in interest in an action instituted under the provisions of said "An act to provide for the establishment and quieting of title to real

Suits
against
state to
quiet title
to marsh
and tide
lands
authorized.

property in case of the loss or destruction of public records," approved June 16, 1906, or any act supplementary to or amendatory thereof, ascertaining or determining that said person or persons or their predecessors in interest was or were the owner or owners in fee simple, and in the actual and peaceable possession and entitled to possession of said real property, and that his or their title be quieted and established as against all the world, and that no other person has any right, title, interest, claim or demand in or to said real property or any part thereof, either legal or equitable, present or future, vested or contingent, and that said judgment has become final, the title of the plaintiff or plaintiffs may be quieted against the State of California in and by the judgment given, made and entered in said action, whether or not any such deed or patent has been made or delivered.

Rules to
apply.

SEC. 2. All the provisions and rules of law relating to suits to quiet title and appeals therein shall apply to such suits as may be brought under this act. If judgment be given against the state in any such suit, no costs shall be allowed against the state.

Time for
commencing.

SEC. 3. Any such suits to quiet title shall be commenced within one year after this act takes effect.

Service of
summons.

SEC. 4. Service of summons in such suits shall be made on the surveyor general and the attorney general.

CHAPTER 237.

An act to add a new section to the Political Code to be numbered four thousand ninety-five a, relating to the destruction of county auditor, county treasurer, records which are more than ten years old.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand ninety-five a and to read as follows:

Destruction
of county
records.

4095a. The county auditor and county treasurer may destroy any county claim, salary warrant, school warrant or any other papers or papers issued as a voucher where a permanent record has been made in books covering the items for which the voucher or paper has been issued, and which voucher or paper is more than ten years old; *provided, however*, that nothing herein contained shall be construed to permit or authorize the destruction of any record involving the title to real property, or that has become a record of any court of law.

CHAPTER 238.

An act to amend section three thousand four hundred fifty-seven of the Political Code, relating to the form, issuance and payment of warrants of reclamation districts.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

3457. Except as herein otherwise provided all warrants drawn by the trustees must be in substantially the following form: Form of reclamation district warrants.

FACE
No. Office of the board of trustees of Reclamation District No.
The treasurer of county will pay to the order of out of Reclamation District No. fund the sum of dollars for allowed by the board of trustees of said Reclamation District No. Dated 192
Trustees.
Attest: Secretary.

REVERSE

Approved by the board of supervisors of county this day of 192
Chairman of board of supervisors.
Attest:
Clerk of board of supervisors.
When registered this warrant bears interest at the rate of seven per cent per annum, computed from the date thereof.
This warrant will outlaw and can not legally be paid four years after date, unless it is payable by its terms at a future date, in which event it will outlaw and can not be legally paid four years after maturity.
Pay to or order
Presented for payment but not paid for want of funds, this day of 192
Treasurer of county.

Interest on
warrants.

The warrants drawn by the trustees must be presented to the treasurer of the county, and if they are not paid on presentation, such indorsement must be made thereon, and they must be registered and bear interest from their date at the rate of seven per cent per annum, and such warrants are and shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said warrants, or connected therewith, is and shall be the term of four years from the date of said warrants, unless said warrants are payable by their terms at a future date, in which event the said term of four years shall not commence until the maturity of said warrants; *provided, however*, that all warrants shall be approved by the board of supervisors before the same shall be paid or registered by the county treasurer.

All warrants shall be paid by the county treasurer strictly in the order in which they have been registered, except warrants which are by their terms payable at a future date and such warrants shall be considered as being registered as of the date of their maturity, if actually registered at or prior to maturity, otherwise as of the date of actual registration.

Warrant
outstanding
one year or
more.

Whenever a warrant shall have been outstanding one year or more, or where a warrant is by its terms not payable upon demand but is payable at a future date and payment thereof is overdue one year or more, the board of trustees shall on demand of the holder of said warrant cancel the same and issue a new warrant for the face value of the old warrant and a separate warrant for the amount of interest then due thereon in the event of any interest being due and unpaid; or, the board of trustees may allow a claim for the amount of any interest due and unpaid on any warrant so outstanding one year or more and may draw a warrant therefor; upon drawing this warrant they shall endorse on the reverse of the old warrant the fact that interest has been paid to the date of drawing the warrant for interest and the warrant drawn for the interest must state that it is for interest on warrant No. ----- to ----- (date); the board of trustees shall notify the county treasurer upon drawing those warrants for interest and he shall note on his register of warrants the fact that interest has been paid on such warrants; *provided*, that any warrant not paid or presented for reissuance may within four years after its date or within four years after its maturity if payable by its terms at a future date upon the demand of the holder, be extended for a like period of four years, upon presentation to the board of trustees of the district, such extension being indorsed thereon by said board. The board of trustees and the county treasurer may cancel all warrants not paid, reissued or extended within four years after their date, or within four years after their date of maturity if payable by their terms at a future date.

In case an action or proceeding based upon any warrant or connected therewith, be commenced within four years after the date of such warrant, or within four years after the maturity thereof, if payable by its terms at a future date, and final judgment be obtained in favor of the holder or owner thereof, such warrant shall be paid the same as if it has been paid before the expiration of said four years from the date of said warrant.

In any proceeding for a writ of mandate to compel the trustees to issue a warrant, if a controversy arises as to the amount that may be due to the plaintiff, the court must determine the same in the manner provided for determining controversies in other civil actions, and shall cause a writ to issue for such sums as may be found to be due. The date of a warrant shall be the day on which the same is signed by the board of trustees.

Determina-
tion of
amount
due.

The trustees may issue warrants payable at a future date, not more than three years from the date thereof, and for this purpose may use the form of warrant herein provided for, adding thereto upon the face thereof that it is not due or payable until a certain date, which shall be specified.

Where there is an existing assessment on the lands in any district which is wholly or in part unpaid the trustees may issue warrants, including warrants payable at a future date, on which the interest shall be paid semiannually on January first and July first of each year, until such warrant is paid, and for this purpose may use the form of warrant herein provided for, adding thereto upon the face thereof that interest thereon is payable semiannually on January first and July first of each year upon presentation of the warrant to the county treasurer. Said interest shall be paid upon presentation to the county treasurer who shall endorse upon the reverse side of such warrant the fact of such interest payment, specifying the amount thereof and date of payment.

Warrants
when
assessment
is unpaid.

The interest due at any time on any unpaid assessment, or any part or installment thereof, may be called at any time by the trustees of the district without calling any installment of the said assessment. All interest hereafter paid on any assessment or any part or installment thereof shall be deposited with the county treasurer in a fund to be known as the "warrant interest fund" and shall not be used for any purpose except the payment of interest on warrants unless the trustees of the district request the county treasurer to transfer the same, or a part thereof, to the general fund of the district.

At least ninety days before any installment of interest is due on any warrants interest on which is payable semiannually the trustees of the district shall estimate the amount of money necessary to pay such interest after crediting thereon the funds in the "warrant interest fund" applicable to the payment thereof and shall add thereto fifteen per cent of such aggregate sum to cover possible delin-

quencies and make a call on interest due on any unpaid assessment equivalent to said amount. All laws relative to the making of calls on any assessment, or installment thereof, and the sale of property for nonpayment thereof, and redemption thereof, shall be applicable to the making of calls for interest only as herein provided and for the sale of property for nonpayment thereof, and redemption thereof.

Payment
before
maturity.

Notwithstanding anything herein contained to the contrary it shall be the duty of the county treasurer to pay all or any warrants payable at a future date, before the maturity thereof, upon the request of the trustees of the district providing there is in the hands of such treasurer sufficient funds so to do, after payment of all outstanding warrants of the district payable upon demand.

CHAPTER 239.

An act to amend section four thousand one hundred thirty-two of the Political Code, relating to indexes kept by recorders.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

Indexes
kept by
recorder.

4132. Every recorder must keep except as herein otherwise provided: 1. An index of deeds, grants, and transfers, labeled "Grantors," each page divided into three columns, headed, respectively: "Names of grantors," "Names of grantees," and "Where recorded."

2. An index of deeds, labeled "Grantees," each page divided into three columns, headed, respectively: "Names of grantees," "Names of grantors," and "Where recorded."

3. Two indices of mortgages, labeled respectively: "Mortgagors of real property," "Mortgagors of personal property," with the pages thereof divided into three columns, headed, respectively: "Names of mortgagors," "Names of mortgagees," "Where recorded."

4. Two indices of mortgages, labeled, respectively: "Mortgagees of real property," "Mortgagees of personal property," with the pages thereof divided into three columns, headed, respectively: "Names of mortgagees," "Names of mortgagors," "Where recorded."

5. Two indices of releases of mortgages, labeled, respectively: "Releases of mortgages of real property—mortgagors," "Releases of mortgages of personal property—mortgagors," with pages thereof divided into four columns, headed,

respectively: "Parties releasing," "To whom releases are given," "Where releases are recorded," "Where mortgages released are recorded." Indexes kept by recorder.

6. Two indices of releases of mortgages, labeled, respectively: "Releases of mortgages of real property—mortgages," "Releases of mortgages of personal property—mortgages," with pages thereof divided into three columns, headed, respectively: "Parties whose mortgages are released," "Parties releasing," "Where recorded."

7. An index of powers of attorney, labeled: "Powers of attorney," each page divided into four columns, headed, respectively: "Names of parties executing the powers," "To whom powers are executed," "Date of recording," "Where powers are recorded."

8. An index of leases, labeled: "Leases—lessors," each page divided into three columns, headed, respectively: "Names of lessors," "Names of lessees," "When and where recorded."

9. An index of leases, labeled: "Leases—lessees," each page divided into three columns, headed, respectively: "Names of lessees," "Names of lessors," "When and where recorded."

10. An index to marriage certificates, labeled: "Marriage certificates—men," each page divided into three columns, headed, respectively: "Men married," "To whom married," "Where certificates are recorded."

11. An index of marriage certificates, labeled: "Marriage certificates—women," each page divided into three columns, headed, respectively: "Women married" (and under this heading placing the family names of the women), "To whom married," "Where certificates are recorded."

12. An index of assignments of mortgages and leases, labeled: "Assignments of mortgages and leases—assignors," each page divided into four columns, headed, respectively: "Assignors," "Assignees," "Instruments assigned," "When and where recorded."

13. An index of assignments of mortgages and leases, labeled: "Assignments of mortgages and leases—assignees," each page divided into four columns, headed, respectively: "Assignees," "Assignors," "Instruments assigned," "When and where recorded."

14. An index of wills, labeled: "Wills," each page divided into three columns, headed, respectively: "Names of testators," "Date of probate," "When and where recorded."

15. An index of official bonds, labeled: "Official bonds," each page divided into four columns, headed, respectively: "Names of officers," "Names of offices," "Amount of bonds," "When and where recorded."

16. An index of notices of mechanics' liens, labeled: "Mechanics' liens," each page divided into three columns, headed, respectively: "Parties against whom claimed," "Parties claiming liens," "Notices—When and where recorded."

Indexes
kept by
recorder.

17. An index to transcripts of judgments, labeled: "Transcripts of judgments," each page divided into six columns, headed, respectively: "Judgment debtors," "Judgment creditors," "Amount of judgments," "Where recovered," "When recovered," "When transcript filed."

18. An index of attachments, labeled: "Attachments," each page divided into five columns, headed, respectively: "Parties against whom attachments are issued," "Parties issuing attachments," "Notices of attachments," "When recorded," "Where recorded."

19. An index of notices of the pendency of actions, labeled: "Notices of actions," each page divided into three columns, headed, respectively: "Parties to the action," "Notices—when recorded," "Where recorded."

20. An index of the separate property of married women, labeled: "Separate property," each page divided into five columns, headed, respectively: "Names of married women," "Names of their husbands," "Nature of instruments recorded," "When recorded," "Where recorded."

21. An index to the register of births and deaths.

22. An "index to certificates of residence."

23. An index of mining locations and of documents affecting same, labeled, "Mining locations," divided into suitable columns showing the name of locator, date of locations, date of recording and place where claim is located.

24. An index suitable for the provisions of "An act for the certification of land titles and the simplification of the transfer of real estate."

25. Such other indices as may be required in the performance of his official duties.

26. The county recorder may keep, instead of indices enumerated in subdivisions one to twenty-five herein inclusive of this section, two indices labeled respectively: "General index of grantors," and "General index of grantees." Each page of the general index of grantors shall be divided into seven columns, labeled, respectively: "Date filed," "Grantors and defendants," "Grantees and plaintiffs," "Title," "Volume," "Book," "Page." Each page of the general index of grantees shall be divided into seven columns, labeled, respectively: "Date filed," "Grantees and plaintiffs," "Grantors and defendants," "Title," "Volume," "Book," "Page." The alphabetical subdivisions and each of the general indices herein described shall be not less than two hundred forty in number, and so arranged, as nearly as possible, that the entries to be made in said indices will be equally apportioned under the several alphabetical subdivisions. In the general index of grantors, the recorder may index names of grantors, defendants, and first parties, who would otherwise be indexed in any of the indices in this section hereinabove specified. In the general index of grantees the recorder may index names of grantees, plaintiffs and second parties, who would otherwise be indexed in any of the indices in this section hereinabove specified. Such

indexing in the general index of grantors and the general index of grantees may be in lieu of indexing in any of the indices in this section hereinabove specified, and will impart notice in like manner and effect as such indexing would have imparted in any of the indices in this section hereinabove specified. If the recorder keeps the general index of grantors and the general index of grantees as herein provided, and indexes therein all of the names which would otherwise have been indexed in the other indices in this section provided, he will not then be required to keep such other indices; but the recorder may keep the general index of grantors and the general index of grantees and also any one or more of the other indices in this section provided. If the recorder keeps any index or indices other than the general index of grantors and the general index of grantees, he must index in such index or indices other than the general index of grantors and the general index of grantees all of the names which it is proper to index in such other index or indices, and he will not then be required to index such names in the general index of grantors or the general index of grantees.

CHAPTER 240.

An act to amend section two thousand two hundred ten g of the Political Code, relating to the receipt and disbursement of moneys for the support and maintenance of the Evergreen Home.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

2210g. All moneys belonging to the state, received by the directors or officers of the home (except such as may be paid to them by the state for disbursement), must be paid over to the treasurer of the board, to be used for the support and maintenance of the home.

Moneys for
support of
Evergreen
Home.

CHAPTER 241.

An act to amend the title of an act entitled, "An act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, as amended, and to add a new section thereto to be numbered one a, providing

for the establishment of assessment districts and the assessment of property therein to pay the expenses of improving such land for park or playground purposes.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1909,
p. 1086,
amended.

SECTION 1. The title of the act, entitled "An act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, as amended, is hereby amended to read as follows:

An act to provide for the acquisition by municipalities of land for public park or playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring and improving such land.

SEC. 2. A new section is hereby added to said act to be numbered one *a*, and to read as follows:

Assessment
of cost of
improve-
ments.

Sec. 1*a*. When land has been acquired under the provisions of this act, or otherwise acquired for public park or playground purposes, the same may be improved for park or playground purposes and the cost thereof shall be assessed upon the district to be benefited by such improvement, in the same manner as herein provided for the assessment of the damages and costs of the acquisition of land.

CHAPTER 242.

An act to amend section one thousand six hundred eighteen a of the Political Code, relating to health supervision of schools.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one thousand six hundred eighteen *a* of the Political Code is hereby amended to read as follows:

Health
supervision
of schools.

Physical
inspectors.

1618*a*. *First*—Boards of school trustees, city and city and county boards of education are hereby authorized and empowered to provide for proper health supervision of the school buildings and pupils enrolled in the public schools under their jurisdiction. For this purpose, said boards may appoint a physical inspector or physical inspectors as the board may determine to consist of a physician, teacher, nurse, oculist, dentist, optometrist, or any one or more of said persons; *provided*, that in case of the appointment of more than one physical

inspector, said inspectors may, in the discretion of the board, all be chosen from any one of the classes designated. Said board may also appoint such number of nurses and dental hygienists as it may be deemed necessary to work under the direction of the physical inspector or inspectors and may provide for the compensation of such employees; *provided*, that no money set aside for the payment of teachers' salaries or for library purposes may be used for this purpose.

Second—The qualifications of such employees shall be as follows: For a physician, an unrevoked certificate issued by the state board of medical examiners and a health and development certificate as hereinafter provided; for a teacher, a life diploma of California or a special credential in physical education, and a health and development certificate; for an oculist, a California certificate to practice medicine and surgery and a health and development certificate; for a dentist or a dental hygienist a certificate issued by the state board of dental examiners of the State of California and a health and development certificate; for a nurse a certificate of registration issued by the California state board of health and a health and development certificate; for an optometrist a certificate issued by the state board of optometry of the State of California and a health and development certificate.

Qualifications of physical inspectors.

Third—County or city and county boards of education are hereby authorized and empowered to grant health and development certificates to persons holding certificates to practice medicine and surgery issued by the California state board of medical examiners; to persons holding California life diplomas and special credentials in physical education, issued by the state board of education; to persons holding certificates to practice dentistry or dental hygiene issued by the California state board of dental examiners; to persons holding certificates to practice optometry issued by the California state board of optometry; and to the holders of certificates of registration as nurses issued by the California state board of health when said applicant shall present with his certificate a credential from the state board of education showing special fitness and training for the work here to do in the public school.

Certificates.

Fourth—The board of school trustees or the city or county board of education shall make such rules for the examination of the pupils in the public schools under their jurisdiction as will insure proper care of the pupil and proper secrecy in connection with any defect noted by the physical inspector or his assistant and may tend to the correction of such physical defect or defects; *provided, however*, that a parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which he is enrolled a statement in writing, signed by such parent or guardian, stating that he will not consent to the physical examination of his child, and thereupon such child shall be exempt from any physical examination, but

Examination of pupils.

whenever there is good reason to believe that such child is suffering from a recognized contagious or infectious disease, such child shall be sent home and shall not be permitted to return until the school authorities are satisfied that such contagious or infectious disease does not exist. When a defect has been noted by the physical inspector or his assistant, a report shall be made to the parent or guardian of the child asking such parent or guardian to take such action as will cure such defect or defects. The physical inspector shall make such reports from time to time as he may feel is best to the board of school trustees or city board of education, or as the board may call for showing the number of defective children in the schools of the district and the effort made to correct such defects.

Report on
conditions
of school
buildings.

Fifth—In case the physical inspector shall note any defects in plumbing, lighting, heating, or other defects in the school building or buildings as may tend to make such building or buildings unfit for the proper housing of the children he shall at once make a detailed report to the board of trustees or the city board of education. If within fifteen days after he has filed this report, he finds that the board has made no provision for the correction of the defect, he shall at once report the same to the county superintendent of schools who shall under the provisions of section one thousand five hundred forty-six of the Political Code proceed to have such defect corrected.

Districts
may join in
employing
inspectors.

Sixth—The boards of school trustees or the city boards of education of two or more school districts in the same county may join in the employment of a physical inspector or physical inspectors, and may use funds not set aside for the payment of teachers' salaries or for library purposes for the expenses of such work. Such boards may employ a nurse or nurses under the direction of a physical inspector to examine the schools under their jurisdiction.

Inspectors
must hold
certificates.

Seventh—No physician, oculist, dentist, dental hygienist, optometrist, nurse or other person shall be employed or permitted to supervise the health and physical development of pupils under this section or any other provision of law unless such person holds a health and development certificate granted in accordance with the provisions of this section.

CHAPTER 243.

An act to amend an act entitled an act authorizing and providing for suits for the collection of delinquent taxes upon personal property, approved March 13, 1903.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Stats. 1903,
p. 130,
amended.

An act authorizing and providing for suits for the collection of delinquent taxes upon personal property, approved March 13, 1903, is hereby amended to read as follows:

1. Each county and city and county, may sue in its own name for the recovery of any and all moneys due or hereafter to become due as delinquent taxes or assessments upon any and all personal property, where no real property is assessed as security for the payment of such personal property taxes, or where in the judgment of the board of supervisors, there is not sufficient real property to secure the payment of such personal property taxes, whether the same be for county or city and county, and state purposes, or either of them, and for all penalties and interest charges due upon said taxes for non-payment thereof. Collection of personal property taxes by suit.

2. Suit may be brought in like manner for the recovery of any and all county or city and county, or state moneys due or hereafter to become due as delinquent taxes or assessments upon any and all improvements when situated upon leased land when said land is exempt from taxation. Manner of bringing suit.

3. On the trial of any such suit the assessment roll of said county or city and county, or a copy of any entry therein duly certified, showing unpaid taxes or assessments against the defendant or his property, or, in cases where the defendant is sued in a representative capacity, against any person or estate or the property thereof which he represents, shall be prima facie evidence of the plaintiff's right to recover. Evidence.

4. All actions now pending for the collection of such taxes may be carried on and prosecuted under the provisions and in accordance with this act. Pending actions.

5. All acts and parts of acts in conflict with this act are hereby repealed, but the method of collecting such taxes herein provided shall not be deemed to be the exclusive method, nor shall the provisions of this act in any manner abrogate or modify the provisions of sections three thousand eight hundred thirty-one or three thousand eight hundred ninety-nine of the Political Code of the State of California. Repealed.

CHAPTER 244.

An act to provide for suitable sanitary conditions in foundries and metal shops, and providing penalties for the violation thereof.

[Approved May 24, 1921. In effect January 1, 1922.]

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

SECTION 1. The owner, employer or manager of every foundry or metal shop engaged in the casting, fabricating, or working over in any manner, of iron, brass, steel, or other metal or compound, and where five or more men are employed, shall establish and maintain, for the use of the employees, wash bowls, sinks or other appliances, connected with running water, and also a water closet connected with running water. The Sanitary conditions in foundries.

room where the wash bowls are installed, and the water closet shall be kept properly ventilated and protected, so far as may be reasonably practicable, from the dust and fumes of the foundry or metal shop.

SEC. 2. Whoever fails to comply with the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined not more than one hundred dollars for each offense.

SEC. 3. This act shall take effect and be in force on and after January 1, 1922.

CHAPTER 245.

An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Office of
public
defender
created.

SECTION 1. There is hereby created in each county and city and county of the State of California, the board of supervisors of such county or city and county so deciding, the office of public defender, and the person to be elected to this office shall be known as the public defender. No person shall be eligible to the office of public defender who shall not have been a practicing attorney in all of the courts of the state for the period of at least one year next preceding the date of his election.

Election.

SEC. 2. Under this act the first election of a public defender in any county or city and county in the state shall be held in the general election of November, 1922, and all such elections shall be held in accordance with the election laws governing the election of county officials; *provided, however,* that the provisions of this act shall not apply to counties in this state that have adopted, or may hereafter adopt a county charter in which provision is made for a public defender or in any county from the tenth to the fifty-eighth class, both inclusive.

Counties
excepted.

Term.

SEC. 3. The term of office of the public defender shall be four years from and after the first Monday in January next following his election.

Compensa-
tion.

SEC. 4. The compensation of said public defender shall be paid by the several counties in the same manner as other county officers are paid and said compensation shall be in full for all services rendered, except actual and necessary traveling expenses while engaged in the discharge and performance of his official duties and which expenses shall be audited and paid as are other claims against the county. The compensation of the public defender shall be as follows: In counties of the first and second classes, five thousand dollars per annum; in

counties of the third class, four thousand dollars per annum; in counties of the fourth, fifth, sixth, seventh, eighth and ninth classes, one thousand eight hundred dollars per annum. *Provided, however,* that in the counties of the first, second and third classes the public defender shall devote all of his time to the duties of his office and shall not engage in the practice of law except in the capacity of public defender.

SEC. 5. Upon request of the defendant or upon order of ^{Duties.} the court, the public defender shall defend, without expense to them, all persons who are not financially able to employ counsel and who are charged with the commission of any contempt, misdemeanor, felony or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in the reversal or modification of the judgment of conviction.

He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed one hundred dollars, and in which, in the judgment of the public defender, the claims urged are valid and enforceable in the courts.

He shall also, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

SEC. 6. The board of supervisors of each of the counties in ^{Office and deputies.} which the office of public defender is hereby created shall provide suitable rooms for the use of the public defender and office furniture and supplies with which to properly conduct the business of his office. The board of supervisors shall provide for a sufficient number of deputies, clerks and employees to properly conduct the office of public defender in each of said counties, and shall fix their salaries. All of the expenses herein referred to shall be a charge upon the county in which the public defender is employed. All appointments of deputies, clerks or other employees in the office of public defender shall be made in writing by the public defender and filed with the county clerk and may be revoked by a writing similarly filed.

SEC. 7. Said public defender shall keep a record of all ^{Report.} services rendered by him in such capacity and shall file with the board of supervisors annually a written report of said services.

SEC. 8. All acts or parts of acts in conflict with the ^{Repealed.} provisions of this act are hereby repealed.

CHAPTER 246.

An act to provide for the extension of the public works of the State of California during periods of extraordinary unemployment caused by temporary industrial depression, and regulating employment therein, and authorizing the board of control to enforce the provisions hereof; and repealing all acts inconsistent with the provisions hereof.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Board of control to secure plans for extension of public works.

SECTION 1. It shall be the duty of the board of control to ascertain and secure from the various departments, bureaus, boards, and commissions of this state tentative plans for such extension of the public works of the state as shall be best adapted to supply increased opportunities for advantageous public labor during periods of temporary unemployment; together with estimates of the amount, character, and duration of said employment, the number of employees who could be profitably used therein, together with rates of wages and such other information as the board of control shall deem necessary.

Inquiry on extraordinary unemployment.

SEC. 2. It shall be the duty of the bureau of labor statistics in cooperation with the immigration and housing commission and the industrial welfare commission, to keep constantly advised of industrial conditions throughout the state as affecting the employment of labor; and whenever it shall be represented to the said bureau by the governor of the state, or the said bureau shall otherwise have reasons to believe, that a period of extraordinary unemployment caused by industrial depression exists in the state, it shall be the duty of the said bureau to immediately hold an inquiry into the facts relating thereto, and to find and report to the governor of the State of California whether, in fact, such condition does exist.

Extension of public works to relieve unemployment.

SEC. 3. In the event that the bureau of labor statistics shall report to the governor that a condition of extraordinary unemployment caused by industrial depression does in fact exist within this state, the said board of control is hereby authorized to make such disposition and distribution of the available emergency fund among the said several departments, bureaus, boards and commissions of the state, for such extension of the public works of the state under the charge or direction thereof, including the purchase of materials and supplies necessary therefor, as shall, in the judgment and discretion of the said board of control be best adapted to advance the public interest by providing the maximum of public employment, in relief of the existing conditions of extraordinary unemployment consistent with the most useful, permanent, and economic extension of the works aforesaid.

SEC. 4. It shall be the duty of the commissioner of the bureau of labor statistics, immediately upon the publication, under this act, of a finding that a period of extraordinary unemployment due to industrial depression exists throughout this state, to cause to be prepared by the appropriate departments of his bureau approved lists of applicants for public employment, and to secure from such applicants, or otherwise, full information as to their industrial qualifications, and to submit the same to the board of control for transmission to such departments, bureaus, boards, and commissions as shall avail themselves of the provisions of this act; *provided, however,* that preference, for employment under this act shall be extended first to citizens of California; second to citizens of other states within the United States, who are within the State of California at the time of making their application; and last to aliens who are within the state at the time of making application.

List of applicants for work.

SEC. 5. All acts or parts of acts inconsistent herewith are hereby repealed, in so far as they are in conflict herewith.

Repealed.

CHAPTER 247.

An act to amend section eight hundred seventy-nine of an act entitled, "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended.

[Approved May 24, 1921. In effect July 20, 1921.]

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

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

Stats. 1883, p. 277, amended.

Sec. 879. It shall be the duty of the attorney to advise the city or town authorities and officers in all legal matters pertaining to the business of said city or town, to frame all ordinances and resolutions required by the board of trustees, and perform such other legal services as said board may require from time to time. Said attorney shall receive such compensation as may be allowed by the board of trustees.

Duty of attorney.

Compensation.

CHAPTER 248.

An act to repeal article fifteen of chapter three of title one of part three of the Political Code, relating to inspectors of gas meters.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Repealed.

SECTION 1. Article fifteen of chapter three of title one of part three of the Political Code is hereby repealed.

CHAPTER 249.

An act to repeal chapter one of title seven of part three of the Political Code, relating to immigration.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Repealed.

SECTION 1. Chapter one of title seven of part three of the Political Code is hereby repealed.

CHAPTER 250.

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

[Approved May 24, 1921. In effect July 29, 1921.]

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

Stats. 1901,
p. 269,
amended.

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

Recorder.

Sec. 883. The recorder shall be judge of the recorder's court, and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. A justice of the peace may, at the same time, hold the office of recorder.

CHAPTER 251.

An act to repeal sections two thousand nine hundred ninety-three and two thousand nine hundred ninety-four of the Political Code, relating to vaccine agents.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. Section two thousand nine hundred ninety-three and two thousand nine hundred ninety-four of the Political Code are hereby repealed. Repealed.

CHAPTER 252.

An act appropriating money to increase production on the Agnews State Hospital farm by building additional buildings, improving the present structures and procuring a dairy herd.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to increase production on the Agnews State Hospital farm by building additional buildings, improving the present structures and procuring a dairy herd. Appropriation:
additional
buildings,
Agnews
State
Hospital.

CHAPTER 253.

An act appropriating money for repairs, improvements and equipment at Agnews State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of fifty-three thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at Agnews State Hospital. Appropriation:
repairs, etc.,
Agnews
State
Hospital.

CHAPTER 254.

An act appropriating money for alterations, additions and improvements for the Industrial Farm for Women.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
alterations,
Industrial
Farm for
Women.

SECTION 1. The sum of twenty-four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for alterations, additions and improvements for the Industrial Farm for Women.

CHAPTER 255.

An act appropriating money for repairs, improvements and equipment for the Mendocino State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
repairs, etc.,
Mendocino
State
Hospital.

SECTION 1. The sum of sixty-two thousand six hundred sixty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment for the Mendocino State Hospital.

CHAPTER 256.

An act appropriating money to improve the water supply at Mendocino State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
water
supply,
Mendocino
State
Hospital.

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to improve the water supply at Mendocino State Hospital.

CHAPTER 257.

An act appropriating money for the purchase of live stock at Preston School of Industry.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of live stock at the Preston School of Industry.

Appropriation:
live stock,
Preston
School of
Industry.

CHAPTER 258.

An act appropriating money for the purchase of additional land for the Preston School of Industry.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of additional land at Preston School of Industry. The title to the land purchased shall be taken in the name of the State of California and no part of the purchase price shall be paid until the title to said property shall have been passed upon and approved by the attorney general.

Appropriation:
additional
land,
Preston
School of
Industry.

CHAPTER 259.

An act to amend section four thousand two hundred fifty-four of the Political Code, relating to the salaries and fees of officers of the counties of the twenty-fifth class.

[Approved May 27, 1921. In effect July 29, 1921.]

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

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

4251. In counties of the twenty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Counties of
25th class,
salaries of
officers.

1. The county clerk, three thousand five hundred dollars per annum, and when a new register of voters is required by

County
clerk.

law to be made, he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, one deputy, who shall be appointed by said county clerk, who shall be paid a salary of one hundred seventy-five dollars per month, and one deputy who shall be appointed by said county clerk, who shall be paid a salary of one hundred fifty dollars per month, said salaries of said deputies to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum and also all fees for service in actions arising out of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff one deputy, who shall be appointed by said sheriff, who shall be paid a salary of one hundred seventy-five dollars per month, and one deputy who shall be appointed by said sheriff, who shall be paid a salary of one hundred dollars per month, said salaries to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder, one deputy, who shall be appointed by said recorder, who shall be paid a salary of one hundred seventy-five dollars per month, and one deputy, who shall be appointed by the recorder, who shall be paid a salary of one hundred twenty-five dollars per month and two copyists who shall be appointed by said recorder, who shall be paid a salary of one hundred ten dollars a month each, said salaries of said deputies and of said copyists to be paid by said county, monthly, at the same time and in the same manner and out of the same fund, as the salary of the recorder is paid.

Auditor.

4. The auditor, three thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor, clerks and employees, who shall be appointed by said auditor, who shall be paid salaries as follows: One deputy auditor at a salary of one hundred seventy-five dollars per month and a sum not to exceed six hundred dollars in any one year for such additional clerk hire as may be necessary, said salaries of the clerks and employees herein provided for shall be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the auditor is paid.

Treasurer.

5. The treasurer, three thousand five hundred dollars per annum; and such fees as are now or may hereafter be allowed by law.

6. The tax collector, three thousand five hundred dollars ^{Tax collector.} per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of one hundred seventy-five dollars per month, and one deputy who shall be appointed by said tax collector, who shall be paid a salary of one hundred ten dollars per month, said salaries to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector a copyist for the period of time embraced between the first day of August and the thirty-first day of December, both dates inclusive, in each year. Said copyist shall be appointed by said tax collector, and shall be paid a salary of one hundred ten dollars per month during the period of time said copyist shall be employed, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that said tax collector shall be entitled to receive and retain for his own use ten per centum only of all licenses collected by him.

7. The assessor, four thousand five hundred dollars per ^{Assessor.} annum, and also such fees and commissions as are allowed by law; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy, who shall be appointed by said assessor who shall be paid a salary of one hundred seventy-five dollars per month, to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the assessor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy who shall be appointed by said assessor, who shall be paid a salary of one hundred fifty dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor a field deputy who shall be appointed by said assessor from the first day of March to the thirtieth day of June, both days inclusive, during each year, who shall be paid a salary of one hundred fifty dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same funds as the salary of the assessor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a copyist, who shall be appointed by said assessor from the first day of January to the thirty-first day of July, inclusive, during each year. Said copyist shall be paid a salary of one hundred ten dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of said assessor is paid; *provided, further*, that said assessor shall be

entitled to receive and retain for his own use six per centum only in personal property tax collected by him as authorized by section three thousand eight hundred twenty of the Political Code of the State of California.

District
attorney.

8. The district attorney three thousand dollars per annum; *provided*, that in counties of this class, the district attorney may appoint a deputy which office of deputy district attorney is hereby created; said deputy to be employed at such times and to receive such salary not to exceed the sum of one hundred fifty dollars per month as the board of supervisors may fix by resolution; *provided, further*, that said district attorney may appoint a stenographer at a salary of one hundred ten dollars per month. Said deputy and said stenographer shall be paid at the same time and out of the same fund as other county officers are paid.

Superinten-
dent of
schools.

9. The superintendent of schools, three thousand six hundred dollars per annum and actual traveling expenses, while attending to his duties as such superintendent of schools; *provided*, that such traveling expenses shall not in any one year exceed the sum of seven hundred fifty dollars; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, a deputy, who shall be appointed by said superintendent of schools and who shall be paid a salary of one hundred seventy-five dollars at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Coroner.

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

Public ad-
ministrator.

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

Surveyor

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

Justices of
the peace.

13. For the purpose of fixing the compensation of justices of the peace and constables according to their duties, townships in counties of this class are hereby classified according to their population as follows: Townships having a population of ten thousand or more shall belong to and be known as townships of the first class; townships having a population of less than ten thousand and more than five thousand shall belong to and be known as townships of the second class; townships having a population of less than five thousand and more than one thousand shall belong to and be known as townships of the third class; townships having a population of less than one thousand and more than nine hundred shall belong to and be known as townships of the fourth class; townships having a population of less than nine hundred shall belong to and be known as townships of the fifth class. The population of the several townships shall be determined by the board of supervisors upon the enactment of this act and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last

federal census taken during the year 1910. Justices of the peace shall receive the following salaries:

In townships of the first class the sum of one hundred fifty dollars per month; *provided*, that each justice of the peace in townships of this class shall be an attorney at law admitted to practice before the supreme court of this state;

In townships of the second class the sum of one hundred twenty-five dollars per month;

In townships of the third class the sum of fifty dollars per month;

In townships of the fourth class the sum of ten dollars per month;

In townships of the fifth class the sum of five dollars per month;

Said salaries shall be paid in the same manner, and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. Justices of the peace of the first and second classes shall be allowed their necessary office expenses not to exceed the sum of fifteen dollars per month; *provided, further*, that all justices of the peace shall be allowed their civil and criminal dockets and legal blanks at the expense of the county; *provided, further*, that the justices of the peace of the townships of the third class when in the trial of criminal cases it becomes necessary to rent a hall to conduct said trial, the said justices of the peace of said counties of the third class shall be allowed the rental paid therefor, but not to exceed the sum of three dollars for any one day; *and provided, further*, that said rental shall not exceed in any one month the sum of fifteen dollars.

14. Constables shall receive the following salaries:

Constables.

In townships of the first class the sum of one hundred dollars per month. Said constables shall be entitled to receive and retain for their own use and benefit all fees collected for the service of civil processes.

In townships of the second class the sum of eighty dollars per month. Said constables shall be entitled to receive and retain for their own use and benefit all fees collected for the service of civil processes.

In townships of the third, fourth and fifth classes such fees as are now or may be hereafter allowed by law and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or preliminary examination for felony; *provided*, that no constable shall receive more than three dollars for any one day's attendance on any court. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

15. Each member of the board of supervisors one hundred dollars per month, and ten cents per mile while traveling from his residence to the county seat, and also mileage

Supervisors.

for his services as road commissioner at the rate of twenty cents per mile one way, for the distance actually traveled in the discharge of his duties as road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

Board of education.

16. Each member of the board of education including the secretary, five dollars per day when the board is in session and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided by law.

Phonographic reporter.

In counties of this class, the official phonographic reporter of the superior court shall receive the sum of one hundred fifty dollars per month as compensation for the reporting of criminal cases both in the superior court and justices court in the county, and for the transcription of the shorthand notes of such cases, he shall receive fifteen cents per folio of one hundred words for the original and seven and one-half cents per folio for each copy thereof as compensation for reporting and for the transcription of his shorthand notes. In civil cases he shall receive the fees now or hereafter authorized by law; *provided*, that he shall receive from the county no fees for the county's share of the cost of reporting in any civil cases in which the county is a party. The salary of the reporter shall be paid out of the county treasury in the same manner as other county officers are paid.

Effect of act.

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

CHAPTER 260.

An act appropriating money for equipment for the Chico State Normal School.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation: equipment Chico State Normal School.

SECTION 1. The sum of five thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for equipment for the Chico State Normal School.

CHAPTER 261.

An act appropriating money for repairs, improvements and equipment for the California School for the Deaf and Blind.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment for the California School for the Deaf and Blind.

Appropriation: repairs, etc. California School for the Deaf and Blind.

CHAPTER 262.

An act appropriating money for the purchase of additional land for Folsom State Prison.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-six thousand two hundred fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of additional land for Folsom State Prison. The title to the land purchased shall be taken in the name of the State of California and no part of the purchase price shall be paid until the title to said property shall have been passed upon and approved by the attorney general.

Appropriation: additional land, Folsom State Prison.

CHAPTER 263.

An act appropriating money for repairs, improvements and equipment at Southern California State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of forty-five thousand five hundred forty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at Southern California State Hospital.

Appropriation: repairs, etc. Southern California State Hospital.

CHAPTER 264.

An act appropriating money for the purchase of additional land for the Southern California State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
land,
Southern
California
State
Hospital.

SECTION 1. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of additional land for the Southern California state hospital. The title to the land purchased shall be taken in the name of the State of California and no part of the purchase price shall be paid until the title to said property shall have been passed upon and approved by the attorney general.

CHAPTER 265.

An act appropriating money for repairs, improvements, equipment and furnishings for the California School for Girls.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
repairs, etc.,
California
School for
Girls.

SECTION 1. The sum of forty-five thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements, equipment and furnishings for the California School for Girls.

CHAPTER 266.

An act appropriating money for the water supply at the California School for Girls.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
water
supply,
California
School for
Girls.

SECTION 1. The sum of eleven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the water supply at the California School for Girls.

CHAPTER 267.

An act to authorize assessors and tax collectors to accept checks, bank drafts and money orders in payment of taxes, subject to the due honor thereof and relating to the manner of making collection thereon and settlement with the county treasurer therefor.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The assessor and tax collector for any city, city and county, or county may in their discretion accept bank checks and drafts, and express and post office money orders in payment of any tax, assessment or license. Payment of taxes by checks and money orders.

SEC. 2. The acceptance, however, of any check, draft or money order shall be subject to collection, and shall constitute a payment of the tax, assessment or license for the payment of which it was tendered only when it shall have been duly honored and paid. Acceptance subject to payment.

If, on due presentment, any check, draft, or money order so accepted shall for any reason be not honored or paid, any record of payment that may have been made on any official record because of the acceptance of such check, draft or money order, shall be cancelled, and the tax, assessment or license shall stand as a charge and lien just as though no credit had been given or payment attempted. For the purpose of making certain such cancellation the officer accepting any check, draft or money order shall make whatever memoranda may be necessary to enable him to make the proper cancellation upon the return without payment of any check, draft or money order.

SEC. 3. The assessor or tax collector accepting checks, drafts or money orders as in this act provided shall deposit the same daily with a bank or banks for collection, and receive therefrom cashier's checks from the bank or banks in an amount equal to the total deposits made. Such cashier's check or checks shall be deposited with the county treasurer as is the cash received by the assessor or tax collector in payment of taxes, assessments or licenses. If thereafter any check, draft or money order be returned unpaid to the bank with which it was deposited by the officer accepting the same, such bank shall return such unpaid check, draft or money order to the officer who deposited the same; and if said amount had been included in any cashier's check given by said bank, such bank shall be entitled to a refund in the amount of such unpaid check, draft or money order. Deposit.

SEC. 4. Whenever a cancellation of a credited payment shall be made in accordance with section two of this act, the officer making such cancellation shall make a record thereof Record and notice of cancellation.

in a book to be kept by him for that purpose. He shall immediately give to the person who attempted to make payment by such unpaid check, draft or money order a notice of the cancellation of the payment by mailing the same to him at the address given on such check, draft or money order. The validity of any tax assessment or license or of any penalties accruing thereto shall not be affected by any failure to give or irregularity in giving such notice.

CHAPTER 268.

An act to amend section three thousand eight hundred twenty of the Political Code, relating to collection of taxes by assessor.

[Approved May 24, 1921. In effect July 29, 1921.]

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

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

Collection
of taxes
by assessor.

3820. The assessor must collect the taxes on all property when, in his opinion, said taxes are not a lien upon real property sufficient to secure the payment of the taxes. The taxes on all assessments of possession of, claim to, or right to the possession of land and the taxes on taxable improvements located upon land exempt from taxation, shall be immediately due and payable upon assessment and shall be collected by the assessor as provided in this chapter.

CHAPTER 269.

An act providing for the disposition of exhibits filed with the court in criminal cases.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Disposition
of exhibits
in
criminal
cases.

SECTION 1. All exhibits other than documentary which have been filed in any criminal action or proceeding may be disposed of as follows. If the action or proceeding has resulted in conviction and sentence, such disposal may be made at any time after termination of the sentence of the person convicted, otherwise upon the expiration of five years after judgment or other final determination of the action or proceeding has become final. In any case, the procedure shall be as follows:

Procedure.

1. The court in which the case was tried shall make an order specifying what exhibits may be released from the custody of

the court without prejudice to the state. Upon receipt of such an order the clerk of the court shall post a notice conspicuously in three public places in the county referring to the order, describing briefly the exhibits which the court has ordered disposed of and fixing the date when and the place at which said exhibits will be offered for sale at public auction. Said date must be at least twenty days after the posting of said notice.

2. At any time prior to the time fixed for the auction the owner or any person entitled to the possession of any of said exhibits may obtain from the court an order returning the same to him. Such articles as have not been returned to their owners or to persons entitled to their possession at the time set for said auction shall be sold by the clerk to the highest bidder for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county. All property offered for sale for which no bids have been received may be destroyed by the clerk or returned to the files.

CHAPTER 270.

An act appropriating money for furnishings and equipment for the Stockton State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for furnishings and equipment for the Stockton State Hospital.

Appropriation:
furnishings
Stockton
State
Hospital.

CHAPTER 271.

An act to repeal an act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' " approved March 23, 1901.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. An act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate

Stats. 1901,
p. 564,
repealed.

the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioner of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901, is hereby repealed.

CHAPTER 272.

An act to prohibit the use or display of the genuine label, trade mark, insignia, seal, device, or form of advertisement of any association or labor organization in any manner not authorized by the by-laws of such association or labor organization; and providing a penalty for its violation.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Penalty for using association insignia contrary to by-laws.

SECTION 1. Whoever wilfully uses or displays the genuine label, trade mark, insignia, seal, device or form of advertisement of any association or labor union, in any manner not authorized by such association or labor organization or not in conformity with the by-laws thereof, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one hundred dollars or by imprisonment for not more than three months, or by both such fine and imprisonment.

CHAPTER 273.

An act to amend section one of an act entitled "An act authorizing counties, cities and counties and municipalities to levy a tax necessary to pay principal and interest on bonds authorized and unsold at the time the annual tax levy is made," approved June 4, 1913.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Stats. 1913, p. 446, amended.

Tax levy for interest on unsold bonds.

SECTION 1. Section one of an act entitled "An act authorizing counties, cities and counties and municipalities to levy a tax necessary to pay principal and interest on bonds authorized and unsold at the time the annual tax levy is made," approved June 4, 1913, is hereby amended to read as follows:

Section 1. The legislative body of any county, city and county or municipal corporation, at the time of the fixing of the annual tax levy shall estimate the amount of money required to meet the payment of the principal and interest

on any bonds the issuance of which may have been authorized by the electors, and which have not been sold but which in the judgment of the legislative body will be sold prior to the making of the next subsequent tax levy, and may levy a tax sufficient to raise the money to pay the principal and interest so estimated. In case any bonds are declared invalid or for any reason are not issued, any tax levied as herein provided shall be refunded upon warrants issued by the auditor. Any portion of such tax unclaimed or unrefunded three years after the time when such tax has been declared invalid or refundable, may be transferred to and become revenue of the general fund of the county, city and county or municipality, upon an order of the legislative body to that effect.

CHAPTER 274.

An act appropriating money for the completion of buildings, sundry improvements and purchase of equipment and furnishings for Norwalk State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the completion of buildings, sundry improvements and purchase of equipment and furnishings for Norwalk State Hospital.

Appropriation:
equipment,
Norwalk
State
Hospital.

CHAPTER 275.

An act appropriating money to increase the production of the farm at Norwalk State Hospital by providing additional buildings and improvements to the land and the purchase of additional equipment and live stock.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-five thousand seven hundred fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to increase the production of the farm at Norwalk State Hospital by providing additional buildings and improvements to the land and the purchase of additional equipment and live stock.

Appropriation:
buildings,
etc.,
Norwalk
State
Hospital.

CHAPTER 276.

An act to amend section six hundred thirty-two of the Penal Code, relating to the protection of fish.

[Approved May 24, 1921. In effect July 29, 1921.]

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

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

Protection
of trout.

632. Every person who, between November first and April thirtieth, of the following year, both dates inclusive, takes, catches, kills or has in his possession any variety of trout is guilty of a misdemeanor; except as hereinafter provided: Every person who, in fish and game district two and one-half, between the fifteenth day of February and the thirtieth day of June of the same year, both dates inclusive, takes, catches, kills or has in his possession any variety of trout is guilty of a misdemeanor.

Every person who, in fish and game districts twenty-three, twenty-four and twenty-five between the first day of November and the twenty-ninth day of May of the following year, both dates inclusive, takes, catches, kills or has in his possession any variety of trout or white fish is guilty of a misdemeanor; *provided*, that nothing in this section shall prohibit the taking of trout between May first and October thirty-first of the same year, both dates inclusive, in any lake exceeding twenty-five square miles in area within the boundaries of fish and game district twenty-five, or shall prohibit the possession within the boundaries of fish and game district twenty-five of such trout so taken;

Every person who, in fish and game districts twenty-three and twenty-four between the first day of November and the thirty-first day of July of the year following, both dates inclusive, takes, catches or kills any trout or white fish in any stream flowing into any lake within two miles, extending from its mouth towards its source, or has in his possession any trout or white fish taken from such streams is guilty of a misdemeanor;

Every person who, between the first day of November and the thirty-first day of July of the year following, both dates inclusive, takes, catches or kills any trout in any lake within three hundred feet of the mouth of any stream flowing into any lake or within three hundred feet of the outlet of any lake, or who has in his possession any trout so taken, is guilty of a misdemeanor;

Every person who, at any time, takes, catches or kills any trout except with hook and line, said hook and line to be used in the manner commonly known as angling, is guilty of a misdemeanor; *provided*, that in fish and game districts two, two and one-half, two "A" and ten not more than one trout

may be taken, caught or killed by spear during any one calendar day during the entire year, except during the months of February and March. Protection
of trout.

Every person who, in any fish and game district, takes, catches, kills or has in his possession during one calendar day more than twenty-five trout or more than ten pounds of trout and one trout, is guilty of a misdemeanor; *provided*, that it shall be lawful to take, catch, kill or have in possession in fish and game districts one and one-half, one "A", five, six, seven "A", eight and nine, not more than five trout regardless of weight during any one calendar day between November first and December thirty-first of the same year, both dates inclusive; *provided, further*, that in tidewater in fish and game districts two, three and ten, five trout per day, regardless of weight, can be taken and possessed between December fifteenth and the last day of February, of the year following, both dates inclusive; *provided, further*, that it shall be lawful to take, catch, kill or have in possession any number of Dolly Varden trout (*Salvelinus malma* or *Salvelinus parkeri*) when such trout are taken in the open season for other trout in the same district; *provided, further*, that any person lawfully catching and killing trout in an open district may ship or transport the same into a closed district provided an affidavit is made before a justice of the peace or notary public in the county in which the trout are caught, and in which is set forth the date and place of catching such trout, the name and address of the consignee and consignor, and the number of the angling license of the consignee. The original of this affidavit must be attached to the shipment and a copy left on file with the justice of the peace or notary public before whom the affidavit is made; *provided, further*, that it shall be unlawful at any time to offer for shipment, ship or receive for shipment or transport from the State of California, any trout caught or taken in the waters of the states.

Nothing in this section shall prohibit the possession and sale of steelhead and Dolly Varden trout from without the state nor the taking of any number of steelhead trout in fish and game districts five, six, seven "A" at such times and in such nets as is provided for the taking of salmon in those districts; nor the sale of such trout within the state when the same shall be inspected and tagged according to regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be paid by the person or persons submitting such steelhead trout or Dolly Varden trout for such inspection and tagging.

Nothing in this section shall apply to trout raised under the provisions of the act authorizing and regulating the raising and selling of domesticated trout.

Nothing in this section shall prohibit the fish and game commission of this state, or persons authorized by them, from tak-

ing at all times such trout as they deem necessary for the purposes of propagation, or for scientific purposes.

Every person found guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars, or more than five hundred dollars, or by imprisonment in the county jail of the county in which the conviction shall be had not less than ten or more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

All acts or parts of acts inconsistent herewith are hereby repealed.

CHAPTER 277.

An act to amend section four thousand three hundred seven of the Political Code, relating to county charges.

[Approved May 24, 1921. In effect July 29, 1921.]

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

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

4307. The following are county charges:

County
charges.

1. Charges incurred against the county by virtue of any of the provisions of this act.

2. The traveling and other personal expenses of the district attorney, incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

10. The fees of constables in criminal cases allowed by law.

11. The actual and necessary expenses of county auditors, clerks, district attorneys, assessors, sheriffs and tax collectors, incurred while traveling to and from and while attending the annual convention of their respective associations; *provided*, that in no event shall such expense exceed the sum of fifty dollars for each of said officers in any one year.

12. The necessary expenses other than attorney's fees incurred by county auditors and treasurers in the defense and prosecution of any action brought by, or against said officers, for the purpose of testing the validity or constitutionality of any act of the legislature providing for the payment of county funds or funds held in trust by the county.

CHAPTER 278.

An act to amend sections two and eight a of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, as amended.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. Section two of an act entitled, "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal

Stats. 1910.
p. 180,
amended.

corporations," approved March 27, 1895, as amended, is hereby amended to read as follows:

Duties of
city
treasurer
may be
performed
by county
treasurer.

Sec. 2. The board of trustees, common council, or other legislative body of any municipal corporation or city in this state, except municipal corporations of the first class, shall have the power to elect that the duties of the city treasurer of such city or municipal corporation, shall be performed by the county treasurer of the county in which such city or municipal corporation is situated; and whenever such board of trustees, common council or other legislative body shall by ordinance so determine such duties shall be performed by the treasurer of the county in which such city or municipal corporation is situated, until such ordinance is repealed. Certified copies of such ordinance and of any ordinances repealing such ordinance shall be served on the auditor, tax collector and treasurer of such county, and such ordinance shall also prescribe the manner in which money shall be drawn out of the various funds belonging to said city or municipal corporation, in the hands of the treasurer.

SEC. 2. Section eight *a* of said act is hereby amended to read as follows:

Sec. 8a. Whenever any municipal corporation elects or has heretofore elected to avail itself of the provisions of this act relating to the assessing and collecting by the county of taxes for such municipal corporations, redemption of property which has been sold to such municipal corporation on account of nonpayment of taxes shall be effected through the office of the county auditor.

CHAPTER 279.

An act to amend sections five, six, and twelve of an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment including minimum wage; providing for an appropriation therefor and fixing a penalty for violation of this act," approved May 26, 1913, as amended.

[Approved May 24, 1921. In effect July 20, 1921.]

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

Stats. 1913,
p. 834,
amended.

SECTION 1. Section five of an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing penalty for violation of this act," approved May 26, 1913, as amended, is hereby amended to read as follows:

Sec. 5. If, after investigation, the commission is of the opinion that, in any occupation, trade, or industry, the wages paid to women and minors are inadequate to supply the cost of proper living, or the hours or conditions of labor are prejudicial to the health, morals or welfare of the workers, the commission shall call a conference, hereinafter called "wage board," composed of an equal number of representatives of employers and employes in the occupation, trade, or industry in question, and a representative of the commission to be designated by it, who shall act as the chairman of the wage board. The members of such wage board shall be allowed five dollars per diem and necessary traveling expenses while engaged in such conferences. The commission shall make rules and regulations governing the number and selection of the members and the mode of procedure of such wage board, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of such wage board. The proceedings and deliberations of such wage board shall be made a matter of record for the use of the commission, and shall be admissible as evidence in any proceedings before the commission. On request of the commission, it shall be the duty of such wage board to report to the commission its findings, including therein:

Conference of "wage board."

1. An estimate of the minimum wage adequate to supply to women and minors engaged in the occupation, trade or industry in question, the necessary cost of proper living and to maintain the health and welfare of such women and minors.

Report of findings.

2. The number of hours of work per day in the occupation, trade or industry in question, consistent with the health and welfare of such women and minors.

3. The standard conditions of labor in the occupation, trade or industry in question, demanded by the health and welfare of such women and minors.

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

Stats. 1919, p. 302, amended.

Sec. 6. (a) The commission shall have further power after a public hearing had upon its own motion or upon petition, to fix:

Power to fix wages, hours, etc.

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this state, which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade or industry in this state; *provided*, that the hours so fixed shall not be more than the maximum now or hereafter fixed by law.

3. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade or industry in this state.

Notice of
hearing.

(b) Upon the fixing of the time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to it in subsection (a) hereof, the commission shall give public notice by advertisement in at least one newspaper published in each of the cities of Los Angeles, Oakland, Sacramento, San Jose, Fresno and in the city and county of San Francisco, and shall give due notice in at least one newspaper published in each of the cities of Fresno, San Jose, Eureka, San Diego, Long Beach, Alameda, Berkeley and Stockton, and by mailing a copy of said notice to the county clerk of each county in the state to be posted at the court house of each county, or city and county, and also to each association of employers or employees and to any employer within the State of California filing with the commission a written request for such notice of such hearing and the purpose thereof, which notice shall state the time and place fixed for such hearing, which shall not be earlier than fourteen days from the date of publication and mailing of such notices.

Order
fixing
wages.

(c) After such public hearing, the commission, may, in its discretion, make a mandatory order to be effective in sixty days from the publication of such order, specifying the minimum wage for women or minors in the occupation in question, the maximum hours; *provided*, that the hours specified shall not be more than the maximum for women or minors in California and the standard conditions of labor for said women or minors. Such order shall be published in at least one newspaper in each of the cities of Los Angeles, Sacramento, Oakland, San Jose, Fresno and in the city and county of San Francisco, and a copy thereof be mailed to the county clerk of each county in the state, and such copies shall be filed without charge. The commission shall send by mail, so far as practicable, to each employer in the occupation in question, a copy of the order, and each employer shall be required to post a copy of such order in the building in which women or minors affected by the order are employed; and it shall be the duty of the commission to send a copy of such order to each employer registering his name with the commission and requesting such order to be mailed, but failure to mail such order or notice thereof to any employer affected thereby shall not relieve such employer from the duty to comply with such order, and finding by the commission that there has been the publication and mailing to county clerks as herein provided shall be conclusive as to service.

Stats. 1915,
p. 951,
amended.

Prosecu-
tions.

Evidence.

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

Sec. 12. (a) In every prosecution for violation of any provision of this act, the minimum wage, the maximum hours of work and the standard conditions of labor fixed by the commission as herein provided, shall be prima facie presumed to be reasonable and lawful and to be the living wage, the maximum hours of work and standard conditions of labor required herein.

(b) The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive; *provided*, that any person aggrieved directly or indirectly by any final rule or regulation of the commission made or entered under any provision contained in this act may apply to the commission for a rehearing in respect to any matters determined or covered therein or thereby and specified in the application for rehearing within twenty days after the publication thereof as herein provided. Such application for rehearing shall be verified and shall state fully the grounds upon which the application for rehearing is based. The commission upon considering any such application or applications for rehearing, may either grant the same by order and notice thereof given by mail to the party or parties applying for such rehearing, fix a time for such rehearing and reconsider its order, rule or regulation, or it may redetermine the matter upon the record before it and give such notice of its redetermination in the same manner as is herein provided for service of an original order, rule or regulation; or the commission may deny such rehearing upon the record before it, giving notice of such decision by mail to the applicant or applicants therefor. Such rehearing shall be deemed to be denied unless acted upon by the commission within thirty days after being filed. No rehearing shall be granted except on the grounds that the final order, rule or regulation was obtained as follows, that is to say—

That the commission acted without or in excess of its powers.

That the order, rule or regulation was procured by fraud.

The final determination made by the commission shall be subject to review only after application for rehearing as herein provided and the final disposition thereof by the commission, and then only in the manner and upon the grounds following:

Within twenty (20) days from the date of the service of any final order, rule or regulation, any party aggrieved thereby may commence in the superior court in and for the city and county of San Francisco or of Los Angeles or of Sacramento, or of Santa Clara, or of Alameda, or of Fresno, an action against the commission for review of its determination. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the commission, or any member of the commission, shall be deemed a complete service. The commission shall serve its answer within twenty (20) days after the service of the complaint, and with its answer shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it or by it, and of its findings and decision. The action may thereupon be brought on for hearing before the court upon such record by either party on ten (10) days' notice to the other. Upon such hearing, the court may confirm or set aside

Findings
of fact
conclusive

Rehearing.

Review of
final deter-
mination.

the decision of the commission, but the same shall be set aside only upon the following grounds, that is to say—

1. That the commission acted without or in excess of its powers,

2. That the determination was procured by fraud.

Upon the setting aside of any decision of the commission, the court may recommit the controversy and remand the record in the case to the commission for further proceedings. The commission, or any party aggrieved, by a decree entered upon the review herein provided for, may appeal therefrom within the time and in the manner provided for an appeal from the final orders of the said superior courts.

(c) The filing of an application for a rehearing shall have the effect of suspending the order, rule or regulation affected only with respect to the party or parties applying therefor and for a period of not to exceed ten (10) days unless otherwise ordered by the commission, which shall have the power to grant a further stay upon such terms and conditions as it may direct.

CHAPTER 280.

An act providing for the selection of an area within which the state normal school at San Francisco shall be located; authorizing the board of trustees thereof to acquire by purchase, gift, condemnation or otherwise such tracts of land within said selected area as may be necessary for the uses of said school; authorizing the construction or reconstruction of suitable and necessary buildings and improvements thereon, and the purchase of necessary and appropriate furniture and equipment therefor; making an appropriation therefor, and repealing all acts or parts of acts inconsistent herewith.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Selection of permanent location for San Francisco state normal school.

SECTION 1. The board of trustees of the state normal school at San Francisco are hereby authorized and empowered to determine by resolution upon a location or area within which the school shall be permanently located, subject to the written approval of the governor and board of control and to acquire for the uses of the school by gift, purchase, condemnation, or otherwise for and on behalf of the State of California such property within the location or area so determined upon, as the said board of trustees from time to time shall, by resolution, determine are necessary for the uses and purposes of the school and to improve the lands so acquired or now owned by the state within the location or area so selected in a manner suitable for its intended uses and to erect thereon all buildings

and other structures and improvements necessary and proper for said school or to alter any existing structures on any of any such lands, and to remove or contract for the removal and sale of the materials of such structures as may not be suitable for normal school purposes *provided*, that the board of trustees shall incur no obligation for the payment of money for any of these purposes in excess of the amounts which are appropriated or provided for in this act or subsequent acts for such purposes, *and provided further* that the site so selected shall include the city block upon which said school is now located.

SEC. 2. The title to all property acquired by said board of trustees in pursuance of the provisions of this act shall be taken in the name of the State of California. Title in name of state

SEC. 3. Upon written notice to the attorney general of the State of California from said board of trustees, that certain real property within the area selected as herein provided as the permanent location of the said school has been declared by resolution of said board of trustees to be necessary for the uses and purposes of the state normal school at San Francisco, and can not be obtained from the owner or owners thereof for a reasonable consideration, the attorney general shall commence in the name of the State of California, and prosecute to final judgment, condemnation proceedings for the acquisition of such property. Condemnation proceedings.

The said board is also authorized and empowered to provide and purchase such furniture, fixtures, apparatus and other things as may be required for the proper equipment of said buildings and grounds for conducting said normal school.

SEC. 4. The act entitled "An act to authorize and empower the board of trustees of the San Francisco State Normal School to sell or exchange and convey the lands and buildings of said school; to acquire by purchase, gift, condemnation or otherwise a new site for said school and to erect thereon buildings suitable and appropriate therefor, or to remodel or reconstruct any building already erected on the site so purchased or acquired, and to purchase therefor necessary and appropriate furniture and equipment; to create a fund into which shall be paid the proceeds of the sale of the present school property and making an appropriation to carry out the purposes of this act," approved January 11, 1916, as amended by an act, entitled "An act to amend sections three, six and seven of an act entitled 'An act to authorize and empower the board of trustees of the San Francisco State Normal School to sell or exchange and convey the lands and buildings of said school; to acquire by purchase, gift, condemnation or otherwise a new site for said school and to erect thereon buildings suitable and appropriate therefor, or to remodel or reconstruct any buildings already erected on the site so purchased or acquired, and to purchase therefor necessary and appropriate furniture and equipment; to create a fund into which shall be paid the proceeds of the sale of the present school property and mak-

Stats. 1916, p. 41, repealed.
Stats. 1917, p. 573, repealed

ing an appropriation to carry out the purposes of this act,' approved January 11, 1916, and to add a new section thereto, to be numbered section eight," approved May 17, 1917, is hereby repealed.

The unexpended balances of any and all funds or appropriations created or provided for in or by said act as amended, shall forthwith revert to and be transferred to the general fund in the state treasury.

Reversion
of lands
purchased.

Any lands in San Francisco lying north of the middle line of Tonquin street heretofore purchased for the purposes of or as a part of the site of said normal school pursuant to said act, or said act as amended shall revert to the state free from any control by the said board of trustees or of any use by said school and shall be subject to such disposition as the legislature may prescribe.

Appropriation.

SEC. 5. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three hundred nine thousand five hundred twelve dollars to be expended in accordance with law for the purposes of this act.

CHAPTER 281.

An act to add a new section to the Political Code, to be numbered four thousand one hundred sixty-one a, providing for the deposit of moneys for the cooperative construction of public roads with the federal government and prescribing the manner in which the deposit shall be made.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand one hundred sixty one a and to read as follows:

Deposit of
moneys for
cooperative
road
building.

4161a. Upon request of the proper officer of the United States, and the order of the board of supervisors of the county, the county treasurer shall deposit with the federal reserve bank to the credit of the United States all moneys set aside by the board of supervisors under agreements with the United States in accordance with the provisions of the federal aid road act, and subsequent acts of like nature, and such moneys shall be paid out by the proper fiscal agent of the United States under such agreements.

CHAPTER 282.

An act to provide for the reforestation, constructing and maintaining of fire lanes and fire trails on the Angeles national forest, and to make an appropriation therefor.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated which shall be used and expended for the purpose of preventing forest fires and to protect the timber and brush and other growth on the watersheds embraced within the San Bernardino mountains in the State of California.

Appropriation:
fire lanes,
Angeles
national
forest.

SEC. 2. The state board of control is hereby empowered to enter into a contract or contracts with the forest service of the United States government for the purpose of constructing and maintaining fire lanes and fire trails for the protection of the forest and brush specified in section one of this act; *provided, however*, that these expenditures shall not be in excess of the amount or amounts to be expended by the forest service of the federal government in collaboration with the specific work named above; *and provided, further*, that in case the forest service above mentioned does not contribute the fund for said cooperation, that the state board of control shall not have power to enter into such contract or contracts with the said forest service for the expenditure of the said money.

Contract
with U. S.
forest
service.

CHAPTER 283.

An act to amend section four thousand two hundred eighty-six of the Political Code, relating to counties of the fifty-seventh class, and salaries of officers thereof.

[Approved May 24, 1921. In effect July 29, 1921.]

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

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

4286. In counties of the fifty-seventh class the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and compensation, to wit:

Counties of
57th class,
salaries of
officers.

1. The county clerk, one thousand two hundred dollars per annum.

County
clerk.

2. The sheriff, two thousand six hundred dollars per annum.

Sheriff.

- Recorder. 3. The recorder, six hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording mining locations and affidavits of assessment work.
- Auditor. 4. The auditor, two hundred dollars per annum.
- Treasurer. 5. The treasurer, one thousand dollars per annum.
- Tax collector. 6. The tax collector, five hundred dollars per annum.
- Assessor. 7. The assessor, one thousand two hundred dollars per annum.
- District attorney. 8. The district attorney, one thousand two hundred dollars per annum.
- Coroner. 9. The coroner, such fees as are or may hereafter be allowed by law.
- Public administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools. 11. The superintendent of schools, four hundred dollars per annum.
- Surveyor. 12. The surveyor, such fees as are now or may be hereafter allowed by law.
- Classification of townships. 13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by the supervisors by multiplying the said total number of registered voters by three; townships having a population of not more than one hundred shall belong to and be known as townships of the first class; townships having a population of not more than three hundred and not less than one hundred one shall belong to and be known as townships of the second class; townships having a population of not more than seven hundred fifty and not less than three hundred one shall belong to and be known as townships of the third class; townships having a population of not more than one thousand five hundred and not less than seven hundred fifty-one shall belong to and be known as townships of the fourth class; townships having a population in excess of one thousand five hundred shall belong to and be known as townships of the fifth class: *provided*, that the board of supervisors may, prior to any general election, consolidate two or more such townships into one.
- Justices of the peace and constables. 14. Justices of the peace and constables each of townships of the first class shall receive an annual salary of one hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables of townships of the second class shall each receive an annual salary of one hundred fifty dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables

in townships of the third class shall each receive an annual salary of two hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fourth class shall each receive an annual salary of three hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fifth class shall each receive an annual salary of four hundred dollars to be paid in monthly installments as county officers are paid. The salaries so received by justices of the peace and constables aforesaid shall be in full compensation for all services rendered by them. These salaries shall also apply to incumbents.

15. Each member of the board of supervisors, fifty dollars per month, and thirty cents per mile one way to board meetings.

16. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, thirty cents, and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 284.

An act making an appropriation for the prevention and extinguishment of fires in Tamalpais forest fire district.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated annually the sum of five thousand dollars during the seventy-third and seventy-fourth fiscal years which money shall be used and expended for the purposes of preventing forest fires and the construction and maintenance of fire trails and fire-breaks in the Tamalpais forest fire district in Marin county, California. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the Tamalpais forest fire district, a public corporation of the State of California, for the purpose of protecting the area embraced in the Tamalpais forest fire district from devastation by fire; *provided, however*, that the expenditures for such purposes shall not be in excess of the amount expended by the said Tamalpais forest fire district; *provided, further*, that in the event the said Tamalpais

Supervisors.

Jurors' fees.

Appropriation: prevention of fires, Tamalpais forest fire district.

forest fire district does not contribute an amount equal to the appropriation hereby made during the fiscal years herein above specified, the state board of control shall not have power to enter into such contract or contracts with the Tamalpais forest fire district for such expenditure of said money.

CHAPTER 285.

An act making an appropriation to pay the claim of the county of Siskiyou against the State of California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
claim of
Siskiyou
county.

SECTION 1. Out of any moneys in the state treasury to the credit of the state forestry fund, the sum of one hundred sixty-nine and eighty-eight one-hundredths dollars is hereby appropriated to be expended in accordance with law for the payment of the claim of the county of Siskiyou against the State of California.

SEC. 2. The controller is hereby directed to draw his warrant in favor of the treasurer of Siskiyou county and the treasurer is directed to pay the same.

CHAPTER 286.

An act to repeal an act entitled "An act authorizing and providing for an investigation and report upon the matter of revenue and taxation, and making an appropriation therefor," approved May 10, 1915, as amended.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Stats 1915,
p. 432,
repealed.

SECTION 1. The act entitled "An act authorizing and providing for an investigation and report upon the matter of revenue and taxation, and making an appropriation therefor," approved May 10, 1915, as amended, is hereby repealed.

CHAPTER 287.

An act appropriating money to pay the claim of Annie De Vere Shields against the State of California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of six hundred fifty-six dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Annie De Vere Shields against the State of California. The state controller is hereby directed to draw his warrant in favor of Annie De Vere Shields for said sum of six hundred fifty-six dollars, and the state treasurer is hereby directed to pay the same.

Appropriation:
claim of
Annie De
Vere
Shields.

CHAPTER 288.

An act to provide for the prevention of forest fires in the San Antonio canyon in the San Gabriel mountains, California, and to make an appropriation therefor.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of five thousand dollars during the seventy-third and seventy-fourth fiscal years, which money shall be used and expended for the purpose of preventing forest fires, and the construction and maintenance of fire trails and fire breaks in the San Antonio canyon in the San Gabriel mountains, California, and the canyons adjacent thereto.

Appropriation:
fire
prevention,
San Antonio
canyon.

SEC. 2. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the San Antonio Fruit Exchange, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of protecting San Antonio canyon from devastation by fire; *provided, however*, that the expenditures for such purposes shall not be in excess of the amount expended by the said San Antonio Fruit Exchange, the San Antonio Water Company, and the counties of San Bernardino and Los Angeles, in collaboration with the specific work named above; *provided, further*, that in the event that the said San Antonio Fruit Exchange, San Antonio Water Company, the county of San Bernardino or the county of Los Angeles do not contribute an amount equal to the appropriation hereby made for the purposes hereinbefore specified, the state board of control shall not have power to enter into such contract or contracts with the said San Antonio Fruit Exchange for such expenditure of said money.

Contract
with San
Antonio
fruit
exchange.

CHAPTER 289.

An act to provide for the prevention of forest fires in the San Gabriel canyon in the San Gabriel mountains, California, and to make an appropriation therefor.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
fire prevention
San Gabriel canyon.

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of one thousand four hundred dollars during the seventy-third and seventy-fourth fiscal years, which money shall be used and expended for the purpose of preventing forest fires, and the construction and maintenance of fire trails and fire breaks in the San Gabriel canyon in the San Gabriel mountains, California, and the canyons adjacent thereto.

Contract with San Antonio fruit exchange

SEC. 2. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the San Antonio Fruit Exchange, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of protecting San Gabriel canyon from devastation by fire; *provided, however*, that the money herein appropriated to be expended annually shall not become available until there shall have been deposited in the state treasury for this purpose an amount equal thereto by the Azusa Irrigation Company, the Covina Irrigation Company, the county of Los Angeles or by any individual or corporation, or by any or all of them.

SEC. 2. The moneys provided under the provisions of section one hereof shall be expended under the direction of the state forester.

CHAPTER 290.

An act to provide for the prevention of forest fires in the San Dimas canyon in the San Gabriel mountains, California, and to make an appropriation therefor.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
fire prevention
San Dimas canyon.

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of three thousand dollars during the seventy-third and seventy-fourth fiscal years, which money shall be used and expended for the purpose of preventing forest fires, and the construction and maintenance of fire trails and fire breaks in the San Dimas canyon in the San Gabriel mountains, California, and the canyons adjacent thereto.

SEC. 2. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the San Antonio fruit exchange, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of protecting San Dimas canyon from devastation by fire; *provided, however*, that the money herein appropriated to be expended annually shall not become available until there shall have been deposited in the state treasury for this purpose an amount equal thereto, by the San Dimas fruit exchange, the county of Los Angeles, or by any individual or corporation or by any or all of them.

Contract
with San
Antonio
fruit
exchange

SEC. 2. The moneys provided under the provisions of section one hereof shall be expended under the direction of the state forester.

CHAPTER 291.

An act making an appropriation to pay the claim of Plumas county against the State of California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred eighty-eight dollars and nine cents to pay the claim of Plumas county against the State of California. The controller is hereby authorized to draw his warrant in favor of the treasurer of Plumas county and the treasurer is directed to pay the same.

Appropriation:
claim of
Plumas
county

CHAPTER 292.

An act to amend the Code of Civil Procedure by adding thereto three new sections to be numbered six hundred eighty-nine a, six hundred eighty-nine b and six hundred eighty-nine c, all relating to the manner of levying attachment or execution upon personal property in the possession of the buyer under a contract for its purchase.

[Approved May 25, 1921. In effect July 29, 1921.]

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

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

689a. Personal property in possession of the buyer under an executory agreement for its sale entered into after this section goes into effect may be taken under attachment or execution issued at the suit of a creditor of the buyer, notwithstanding any provision in the agreement for forfeiture in case of levy or change of possession.

Levying
upon
personal
property
under
contract for
purchase.

SEC. 2. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred eighty-nine *b*, and to read as follows:

Tender to
seller of
sums due

689*b*. The officer levying on such property must, within five days after being served with a verified written claim containing a detailed statement thereof, pay or tender to the seller full payment of all sums due or to accrue to him under the agreement, above setoffs, with interest to date of tender. If not so tendered, the seller's claim shall have the effect of the claim provided for in section six hundred eighty-nine of this code. If the tender is refused, the amount thereof must be deposited with the county treasurer, payable to the order of the seller. Until such payment or deposit is made, the property can not be sold under the levy; but when made and also in case the seller fails to render his claim for thirty days following the personal service upon him by the levying officer of a written demand therefor, which service must be attested by the officer's certificate thereof, filed before the sale with the papers of the action wherein the attachment or execution was issued, then the title shall pass to the buyer and the property may be sold as in this chapter provided, free of all lien or claim of the seller.

SEC. 3. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred eighty-nine *c*, and to read as follows:

Application
of proceeds
of sale.

689*c*. When the property thus taken is sold under process, the officer must apply the proceeds of the sale as follows:

1. To the repayment of the sum paid to the seller, or deposited to his order, with interest from the date of such payment or deposit.

2. The balance, if any, in like manner as the proceeds of sales under execution are applied in other cases.

CHAPTER 293.

An act to make an appropriation for the erection of buildings and other improvements for the state nursery, located near Davis, California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation
state
nursery

SECTION 1. The sum of twenty thousand (20,000) dollars, or so much thereof as is necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of erecting buildings on the state nursery site near Davis, California.

CHAPTER 294.

An act appropriating money for the reinstallation of the lighting system and field wires to such system upon the state capitol grounds.

[Approved May 25, 1921. In effect July 20, 1921.]

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

SECTION 1. The sum of nine thousand two hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the reinstallation of the lighting system and field wires to such system upon the state capitol grounds.

Appropriation, lighting system, state capitol grounds.

CHAPTER 295.

An act appropriating money for the purchase of machinery, furniture and equipment for the state printing office.

[Approved May 25, 1921. In effect July 20, 1921.]

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

SECTION 1. The sum of forty-three thousand five hundred twenty-five dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of machinery, furniture and equipment for the state printing office.

Appropriation machinery, state printing office.

CHAPTER 296.

An act appropriating money for repairs and improvements to buildings and grounds at the state fair grounds in Sacramento.

[Approved May 25, 1921. In effect July 20, 1921.]

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

SECTION 1. The sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs and improvements to buildings and grounds at the state fair grounds in Sacramento.

Appropriation repairs, state fair grounds.

CHAPTER 297.

An act to amend section one thousand seven hundred seventy of the Political Code, relating to duties of county boards of education.

[Approved May 27, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one thousand seven hundred seventy of the Political Code is hereby amended to read as follows:

Meetings of county board of education.

1770. (1) Each county board of education shall meet semiannually at such time as they may determine. Special meetings may be called by the superintendent whenever, in his judgment, the exigencies of the schools may require them to be held. Upon the request of any three members, in writing, the superintendent shall call a special meeting. Notice of all semiannual meetings shall be given by the secretary at least ten days prior to the time of meeting. No business shall be transacted at a special meeting, except as provided in subdivision two of this section, other than such as may be specified in the call of the secretary.

Semiannual meetings.

(2) At the semiannual meetings only, the board shall examine applicants for certificates to teach in the public schools. All examination papers for teachers' certificates shall be kept on file in the office of the superintendent of schools for at least one year, and shall be open for the inspection of the applicants or their authorized agents. Certificates upon credentials may be granted, and unexpired certificates may be renewed, at any meeting of the board.

Compensation.

(3) The board of supervisors shall allow to each member of the county board of education a compensation of five dollars a day for his services, and the same rate of mileage as is allowed to the members of the board of supervisors of the county; provided, however, that in the event that the members of the board of supervisors of any county are not allowed mileage, the board of supervisors of such county shall allow to each member of the county board of education of that county actual and necessary traveling expenses not to exceed twenty-five cents per mile one way in attending the meetings of the board. The secretary shall be allowed the sum of five dollars per day for the actual time that the board may be in session: said compensation of the members of the board, and of the superintendent, shall be payable out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Expenses

(4) All expenses for printing required by the county board of education, and all incidental expenses incurred for stationery or other purposes in the performance of their duties, shall be audited and paid as other claims against the general fund of the county are paid.

CHAPTER 298.

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

[Approved May 25, 1921. In effect July 29, 1921.]

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

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

4281. In counties of the fifty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, one thousand eight hundred dollars per annum; *provided*, that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of seventy-five dollars per month; said salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk; *and provided, further*, that in counties of this class, during the years when the compilation of a great register is required by law, the county clerks of the county shall be allowed the sum of ten cents per name for each affidavit legally taken for registration; said sum to be allowed and paid to said county clerks by the board of supervisors as other county charges are allowed and paid.

2. The sheriff shall receive two thousand five hundred dollars per annum, and in counties of this class, there is hereby allowed to the sheriff, one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month, which shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist who shall be appointed by the recorder, and paid the salary of seventy-five dollars per month; said salary to be paid by the said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor, eight hundred dollars per annum.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum, and ten per cent on all licenses collected by him as license collector; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector an assistant for the months of April, October and November, who shall be appointed by the tax collector and paid the salary of seventy-

five dollars per month for said above-named months, said salary to be paid by the said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two deputies, to be appointed by him, who shall receive the salary of one hundred twenty-five dollars per month each, from the first day of March to July first of each year, said salaries to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

District attorney.

8. The district attorney, one thousand eight hundred dollars per annum.

Coroner.

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

Public administrator.

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

Superintendent of schools.

11. The superintendent of schools, one thousand five hundred dollars per annum and actual traveling expenses when visiting the schools of his county, and the sum of five dollars per day for each day's services on the board of education; said sum, together with the traveling expenses, to be allowed and paid the same as other county charges are allowed and paid; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy to be appointed by him for two months in each year at a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor.

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

Justices of peace.

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: in townships having a population of more than one thousand, fifty dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables.

14. Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of five hundred or more,

twenty dollars per month; (2) in townships, having a population of less than five hundred, ten dollars per month; *provided further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fee allowed by law. For transporting prisoners to the county jail, the actual expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. It is hereby declared that the salaries provided for in this subdivision do not constitute an increase and shall apply to present incumbents.

15. Each member of the board of supervisors to receive a ^{Supervisors.} flat rate of eight hundred dollars per annum, in full for all services.

16. In counties of this class, the official reporter of the ^{official reporter.} superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and for preliminary examinations in justices' courts, and at coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

17. For attending as a grand juror or as a trial juror in the ^{Jurors.} superior court, in criminal cases, four dollars per day for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty-five cents; *provided*, that in counties of this class the grand jurors and trial jurors in criminal cases shall be paid warrants drawn by the county auditor, issued upon the order of the court, or judge thereof.

County
librarian
Effect of
act.

18. The county librarian shall receive one thousand dollars per annum.

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

CHAPTER 299.

An act to amend section four thousand two hundred eighty-five of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-sixth class.

[Approved May 24, 1921. In effect July 29, 1921.]

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

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

Counties of
56th class,
salaries of
officers.

4285. In counties of the fifty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

County
clerk.

1. The county clerk, one thousand three hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services, and said clerk may appoint one deputy clerk, which office of deputy county clerk is hereby created, who shall receive a salary of nine hundred dollars per annum. The deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the county clerk is paid.

Sheriff.

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.

Recorder.

3. The recorder, four hundred dollars per annum; *provided*, that the recorder may retain to his own use all fees paid him for recording and indexing notices of location of mining claims and affidavits of annual expenditures upon mining claims.

Auditor.

4. The auditor, three hundred dollars per annum.

Treasurer.

5. The treasurer, one thousand dollars per annum.

Tax
collector.

6. The tax collector, three hundred fifty dollars per annum.

Assessor.

7. The assessor, one thousand six hundred dollars per annum.

District
attorney.

8. The district attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

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

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

11. The superintendent of schools, six hundred twenty-five Superinten-
dent of
schools.
dollars per annum, and actual traveling expenses when visit-
ing the schools of his county.

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

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

Townships having a population of one thousand two hun-
dred and more shall belong to and be known as townships of
the first class; townships having a population of six hundred
and less than one thousand two hundred shall belong to and be
known as townships of the second class; townships having a
population of three hundred and less than six hundred shall
belong to and be known as townships of the third class; town-
ships having a population of less than three hundred shall
belong to and be known as townships of the fourth class.

Justices of the peace shall receive the following salaries: Justices of
the peace.
In townships of the first class the sum of two hundred forty
dollars for the period beginning with the date upon which
this act takes effect and ending December 31, 1915, and there-
after a salary of two hundred forty dollars per annum; in
townships of the second class the sum of one hundred eighty
dollars for the period beginning with the date upon which this
act takes effect and ending December 31, 1915, and thereafter
a salary of one hundred eighty dollars per annum; in town-
ships of the third class the sum of one hundred twenty dol-
lars for the period beginning with the date upon which this
act takes effect and ending December 31, 1915, and thereafter
a salary of one hundred twenty dollars per annum; in town-
ships of the fourth class the sum of sixty dollars for the period
beginning with the date upon which this act takes effect and
ending December 31, 1915, and thereafter a salary of sixty
dollars per annum.

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

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

14. Constables, such fees as are now or may be hereafter Constables.
allowed by law.

15. Each supervisor, six hundred fifty dollars per annum, Supervisors.
and twenty cents per mile for traveling to and from his resi-
dence to the county seat at each session.

When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner, each supervisor shall receive five dollars per day, but he shall not in any one year receive more than nine hundred dollars as supervisor.

License collector.

16. The license collector, such compensation as the board of supervisors shall fix.

Jurors.

17. For attending as a grand juror, or a trial juror in criminal cases only, in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror or trial juror in criminal cases, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days attendance, and the number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 300.

An act to amend section three thousand eight hundred ninety-seven of the Political Code, relating to the sale of property for delinquent taxes.

[Approved May 25, 1921. In effect July 29, 1921.]

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

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

Sale of property for delinquent taxes.

Notice.

3897. Whenever the state shall have become the owner of any property sold for taxes and the deed to the state has been filed with the controller as provided in section three thousand seven hundred eighty-five, the controller may thereupon by a written authorization direct the tax collector of the county or city and county to sell the property or any part thereof as in his judgment he shall deem advisable in the manner following: He must give notice of such sale by first publishing a notice for at least three successive weeks in some newspaper published in the county or city and county, or if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county or city and county, one of which shall be at the United States post office, nearest the land, in addition to a notice conspicuously posted on the land itself for the same period. Such notices must state specifically the place of and the day and hour of sale and shall contain a description of the property to be sold and shall also contain a detailed statement of all the delinquent taxes, penalties, costs, interest, graduated penalties required under section three thousand eight hundred seventeen as if redemption were to be made, and expenses up

to the date of such sale and shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property or any part thereof and said notice shall embody a copy of the authorization received from the controller. It shall be the duty of the tax collector to mail within five days after the publication of said notice of sale a copy of said notice, postage thereon prepaid and registered, to the party to whom the land was last assessed next before the sale, at his last known post-office address twenty-one days before the date of sale thereunder. At the time set for such sale, the tax collector must sell the property described in the controller's authorization and said notices, at public auction to the highest bidder for cash in lawful money of the United States; but no bid shall be received or accepted at such sale for less than the amount of all the taxes levied upon such property and all costs and penalties for every year delinquent as shown by the delinquent rolls for said years and also all tax liens up to the date of the execution of the deed to the state and all expenses accrued to the date of the sale under this section, together with interest at seven per cent per annum and also the graduated redemption penalties required under section three thousand eight hundred seventeen computed upon the aggregate amount of the taxes for each year delinquent from the first day of July following delinquency in each of said years to the date of the sale hereunder; *provided, however*, that if the board of supervisors of the county, or city and county, in which any such property is situate, shall, by resolution entered upon their minutes, declare that, in their judgment, the property so owned by the state, and particularly described in said resolution, is not at that time of value great enough that it can be sold by the state for a sum equal to the amount of all taxes levied upon said property, and all interests, costs and penalties and expenses up to the date of such sale, and that it would be to the best interest of the state to sell the said property for a sum to be stated in said resolution, less than the sum above named, upon receipt of a copy of said resolution, certified by the clerk of said board or supervisors, the state controller may thereupon, by written authorization, direct the tax collector of the county, or city and county, to sell the said property so described in said resolution for a sum not less than the sum so stated in said resolution, together with expenses of sale. The expense of giving the notice herein required shall be a charge against the property so advertised, and shall be collected by the collector, and no redemption of such property before said sale may be had without payment of such cost of advertising; and to secure the payment of such advertising cost the collector shall demand in advance from the party or parties seeking to purchase, a deposit with said officer of a sum sufficient to defray such cost of advertising, which deposit shall be forfeited in the event said party or parties fail or refuse to

Sale to
highest
bidder.

Expense of
notice.

purchase at such sale; *provided*, that if the party or parties so depositing fail to secure such property on their bid, such deposit shall be returned, and such advertising cost shall be collected from the successful purchaser; *provided also*, that if the board of supervisors of the county, or city and county, in which the property is situated shall by resolution entered upon the minutes, direct the tax collector to apply for an authorization of sale of any property which has been deeded to the state, and shall authorize him to order the necessary advertising to be done at county expense, the tax collector shall thereupon proceed as though a deposit had been made to cover advertising costs, and shall add a proportionate part of the total expense of advertising to the amount of taxes, penalties and interest chargeable against each tract or parcel sold. In any case in which no sale is made, the advertising shall be charged and paid as are other county charges.

CHAPTER 301.

An act providing for the creation of county boards of trade and county chambers of commerce in the several counties of the state by the boards of supervisors thereof; providing for the appointment of the members of such boards; providing for the powers and duties of such boards and providing for the compensation and expenses of the members thereof.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Creation of
county
board of
trade or
chamber of
commerce.

SECTION 1. The board of supervisors of any county in the State of California is hereby authorized to create a body for the purpose of advising and assisting the board of supervisors of such county in the matter of advertising, exploiting and making known the resources of such county, for the purpose of inducing immigration to, increasing trade and commerce in such county, or for exhibiting or advertising the agricultural, mineral, manufacturing and other resources of such county. Such body shall be known as the county board of trade of such county or the county chamber of commerce of such county according to the discretion of such board of supervisors. Such body shall consist of one member from each supervisorial district of such county and the members thereof shall be appointed by the board of supervisors of such county. The members of such county board of trade or county chamber of commerce shall hold office at the pleasure of the board of supervisors.

Rules.

SEC. 2. The board of supervisors of any county creating a county board of trade or county chamber of commerce under the provisions of this act shall adopt and prescribe rules for the conducting of the affairs of said board of trade or chamber of

commerce providing that such rules shall in no way conflict with the laws of the State of California, nor usurp the powers vested by law in any of the offices of the county.

SEC. 3. It shall be the power and the duty of such county board of trade or county chamber of commerce, under the direction of the board of supervisors to advertise, exploit and make known the resources of the county for the purpose of inducing immigration to, increasing the trade and commerce of said county, and exhibit and advertise the agricultural, mineral, manufacturing and other resources of the county, and, when directed by the board of supervisors of such county, collect, prepare and maintain an exhibit of the products and industries of the county at any domestic or foreign exposition, for the purpose of encouraging immigration and increasing trade in the products of the State of California.

Powers and duties.

SEC. 4. The board of supervisors of any county in the State of California creating a board of trade or county chamber of commerce under the provisions of this act is hereby authorized to appoint a secretary to the county board of trade or county chamber of commerce. The board of supervisors is hereby authorized to fix the salary of such secretary, which salary shall be paid from the advertising fund of such county, upon a warrant as county officers are paid.

Secretary.

SEC. 5. The board of supervisors in any county in the state creating a county board of trade or a county chamber of commerce under the provisions of this act may allow the members of such body their necessary traveling expenses actually incurred while discharging their duties under the provisions of this act.

Traveling expenses.

CHAPTER 302.

An act reappropriating money for the purpose of refunding to real estate brokers and salesmen the amounts collected by the State of California under the provisions of chapter seven hundred fifty-eight, statutes of 1917, which chapter was declared unconstitutional by the supreme court, and making provision for the disbursement of the moneys so appropriated.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-nine thousand four hundred ninety-five dollars and sixty-six cents remaining in the state treasury known as the real estate commissioner's fund, created under the provisions of the real estate commissioner's act approved June 1, 1917, is hereby reappropriated and made available for the refunding of license fees collected under the provisions of said act.

Appropriation refund to real estate brokers and salesmen.

SEC. 2. The state controller shall draw his warrant on the state treasurer in favor of the state real estate commissioner for the amount hereby appropriated, and the treasurer shall pay the same. The state real estate commissioner shall mail his check to each real estate broker and salesman of record and the cancelled checks of the said commissioner shall constitute a sufficient voucher for the payment of the claims of the several persons for whose benefit this appropriation is made.

CHAPTER 303.

An act to reserve all minerals in state lands; to provide for examination, classification and report on the mineral and other character of state lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Minerals in
state lands
reserved to
state.

SECTION 1. All coal, oil, oil shale, gas, phosphate, sodium, and other mineral deposits in lands belonging to the state, or which may become the property of the state, are hereby reserved to the state; *provided, however*, that nothing in this act shall apply to lands acquired by the state on a sale of delinquent taxes, except such land, the deed for which is required to be filed in the surveyor general's office. Such deposits are reserved from sale except upon a rental and royalty basis, as herein provided for; and a purchaser of any lands belonging to the state, or which may become the property of the state, shall acquire no right, title or interest in, or to, such deposits except as hereinafter expressly provided; and the right of such purchaser shall be subject to the reservation of all coal, oil, oil shale, gas, phosphate, sodium, and other mineral deposits, and to the conditions and limitations prescribed by law providing for the state and persons authorized by it to prospect for, mine, and remove such deposits, and to occupy and use so much of the surface of said land as may be required for all purposes reasonably extending to the mining and removal of such deposits therefrom.

Reservation
in sales.

SEC. 2. All applications to purchase state lands which may be filed subsequent to the passage of this act, and all sales shall be subject to and contain a reservation to the state of one-sixteenth of all coal, oil, gas, and other mineral deposits

in all land so acquired, as hereinafter provided for, and all certificates of purchase and patents issued therefor, shall contain such reservation.

SEC. 3. The surveyor general may from time to time classify any or all state land for its different possible values and uses, and, when he deems it advisable, may require the state mineralogist, director of agriculture or other organization, agency or institution of the state government to make such classification. It is hereby expressly made the duty of any such officer, organization, agency or institution to make such classification and to render a report thereon upon the application of the surveyor general. Classification of lands.

SEC. 4. The surveyor general is hereby authorized, upon the payment to him of fifty cents per acre, for each acre in area embraced within the boundaries of the lands proposed to be prospected and under such rules and regulations as he may prescribe, to grant to any person or association of persons, who are residents of the State of California and citizens of the United States or who have declared their intention of becoming such, or corporations ninety per cent of whose stockholders are citizens of the United States a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas, upon not exceeding six hundred forty acres of land wherein such deposits of oil or gas belong to the state and are not within any known geological structure of a producing oil or gas field, upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall within one year from and after the date of the permit, drill one or more wells for oil or gas to a depth of not less than one thousand feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered. The surveyor general may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such land in a reasonably compact form and according to the legal subdivisions of the public land surveys if the land be surveyed; and in an approximately square or rectangular tract, if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width; the land to be surveyed by the surveyor general at the expense of the applicant for the permit in such form as the surveyor general shall deem to be to the best interest of the state; *provided, however*, that in case of prospecting permits and leases to river beds, lake beds, overflowed, tide and submerged lands, the width or length Prospecting permits for oil and gas.

Prospecting
permits
for oil
and gas.

of the prospecting permit or lease along the shore line, measured on an east and west or north and south line, shall not exceed one-quarter mile. If the applicant shall cause to be erected upon the land for which a permit is sought a monument not less than four feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within thirty days after the date of posting said notice, giving the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monument as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of thirty days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified; *provided, however*, that applicant shall, as a part of his application for a permit, show that within two days after the posting of the said notice, he recorded a copy of the same in the county recorder's office of the county in which the said land is situated. The applicant shall, within ninety days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby; *provided, however*, that where the boundaries of the land sought to be prospected or developed under lease are wholly or partially in river or lake beds, overflowed, tide and submerged lands, the notice shall be conspicuously posted on a monument as close to a corner of the land as possible and shall specifically describe the area to be developed by courses and distances so that the limits of the area can be easily determined; *provided further, however*, that in no case shall permits or leases be granted covering tide, overflowed or submerged lands fronting on an incorporated city, or for a distance of one mile on either side thereof; *provided further, however*, that in case of an application for a permit or a lease covering tide, overflowed or submerged land by anyone other than the littoral or riparian proprietor, said littoral or riparian proprietor shall have six months within which to file an application for a permit or lease, but if said littoral or riparian proprietor fails to comply with the requirements of this act and its rules and regulations made in pursuance hereof, his preferential rights shall thereupon cease and forever be terminated, and the original applicant shall be permitted to proceed with his application.

Lease.

SEC. 5. Upon establishing to the satisfaction of the surveyor general that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the

land embraced in the prospecting permit; *provided*, that the permittee shall be granted a lease for as much as one hundred sixty acres of said lands, if there be that number of acres within the permit. The area to be selected by the permittee shall be in compact form and if surveyed, to be described by the legal subdivision of the public land surveys; if unsurveyed, to be surveyed by the surveyor general at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the surveyor general, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of survey shall be deemed appropriated for that purpose, and any excess deposit may be repaid to the person or persons making such deposits or their legal representative. Such lease shall be for a term of twenty years upon a royalty of five per centum in amount or value of the production and the annual payment in advance of a rental of one dollar per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section eight hereof. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than twelve and one-half per centum in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in this act. the bonus and royalty to be determined by competitive bidding or fixed by such other method as the surveyor general may by regulations prescribe; *provided*, that the surveyor general shall have the right to reject any and all bids.

Royalty.

SEC. 6. Until the permittee shall apply for lease to the one quarter of the permit area heretofore provided for he shall pay to the State of California twenty per centum of the gross value of all oil or gas secured by him from the lauds embraced within his permit and sold or otherwise disposed of, or held by him for sale or other disposition.

Payment of percentage of value.

SEC. 7. All permits and leases of lands containing oil or gas, made or issued under the provisions of this act, shall be subject to the condition that no wells shall be drilled within two hundred feet of any of the outer boundaries of the lands so permitted or leased, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners, and to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in courts of competent jurisdiction.

Conditions of permits and lease.

Lease of unappropriated deposits to highest bidder.

SEC. 8. All unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same not subject to preferential lease, may be leased by the surveyor general to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding six hundred forty acres and in tracts which shall not exceed in length two and one-half times the width, the surveyed land to be leased according to legal subdivisions, the unsurveyed land to be surveyed by the surveyor general, at the expense of the lessee, in such form as the surveyor general shall deem to be to the best interest of the state; *provided, however,* that in case of leases to river bed, lake bed, overflowed, tide and submerged lands, the width or length of the lease along the shore line, measured on an east and west or north and south line, shall not exceed one-quarter mile, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than twelve and one-half per centum in amount or value of the production, and the payment in advance of a rental of not less than one dollar per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of twenty years, with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the surveyor general, unless otherwise provided by law at the time of the expiration of such periods.

Bonus and royalty.

Term.

Reduction of royalty.

Whenever the average daily production of any oil well shall not exceed ten barrels per day, the surveyor general is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this act.

Prospecting for other minerals.

SEC. 9. The right to prospect, and lease lands containing any other minerals shall be acquired in a similar manner as the right to prospect for and develop oil and gas, under such reasonable and proper rules and regulations, as the surveyor general shall from time to time prescribe.

SEC. 10. For the purpose, however, of promoting the sale of state land, and the more active cooperation of the owner of the soil, and to facilitate the development of its mineral resources the state hereby constitutes the purchaser of the soil, its agent for the purposes herein named and in consideration hereof, relinquishes to and vests in the purchaser of state lands an undivided fifteen-sixteenths of all oil and gas and the value of the same that may be upon or within any state land purchased after the passage of this act. The purchaser of the soil is hereby authorized to sell or lease to any person, firm or corporation the oil and gas and other minerals that

may be thereon or therein upon such terms and conditions as such purchaser and owner may deem best, subject, however, to the provisions of this act and the reservations herein contained; *and provided, further*, that the lessee or purchaser shall in every case pay to the state an undivided one-sixteenth of the mineral produced or the value thereof at the well or mine as may be determined by the surveyor general; *provided further, however*, that upon the discovery of oil or gas in paying quantities on adjoining lands the purchaser shall within three months thereafter begin or cause to be started the drilling of a well upon his land, which drilling shall be continuous, as may be provided for by appropriate rules and regulations, prescribed by the surveyor general.

SEC. 11. The surveyor general shall reserve and may exercise the authority to cancel any prospecting permit or lease upon failure by the permittee to exercise due diligence and care in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit or lease and shall insert in every such permit or lease issued under the provisions of this act appropriate provisions for its cancellation by him. Cancellation of permit or lease

SEC. 12. No person, association or corporation, shall take or hold, under the terms of this act, more than one oil or gas permit or lease; no corporation shall hold any interest as a stockholder of another corporation in more than one lease and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease, under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this act. Any interest held in violation of this act shall be forfeited to the State of California by appropriate proceedings for that purpose in the superior court for the county in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition; *provided*, that nothing herein contained shall be construed to limit or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal; *pro-* Only one permit or lease to each person or corporation.

Forfeiture of interest.

vided, further, that if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteeed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

Rights of
way for
pipe-line
purposes.

SEC. 13. Rights of way through all state lands are hereby granted for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section four of this act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the surveyor general and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers; *provided*, that the surveyor general shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the state or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this act; *provided*, that no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the surveyor general shall be ground for forfeiture of the grant by appropriate proceedings prosecuted in the superior court for the county in which the property, or some part thereof, is located; *and provided, further*, that all of the rights and privileges as are now, or as may hereafter be provided by law, respecting the acquisition of rights of ingress, egress and regress over the property of another, by proceedings in eminent domain, are hereby expressly given to a permittee or lessee so that such permittee or lessee may carry on the operations contemplated under the terms of this act.

SEC. 14. Any permit, lease, occupation, or use permitted under this act shall reserve to the surveyor general the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the state, its lessees, or permittees, and for other public purposes; *provided*, that said surveyor general, in his discretion, in making any lease under this act, may reserve to the state the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein; *provided, further*, that if such reservation is made it shall be so determined before the offering of such lease; *and provided, further*, that the said surveyor general, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

Right reserved to surveyor general to permit rights of way.

SEC. 15. No lease issued under the authority of this act shall be assigned or sublet, except with the consent of the surveyor general. The lessee may, in the discretion of the surveyor general, be permitted at any time to make written relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said surveyor general shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the public at reasonable prices, for the protection of the interests of the state, for the prevention of monopoly, and for the safeguarding of the public welfare.

Conditions of lease.

SEC. 16. Any permit or lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in the superior court for the county in which the

Action to forfeit permit or lease.

property, or some part thereof is located, whenever the lessee or permittee fails to comply with any of the provisions of the permit or the lease, or of the general regulations promulgated under this act and in force at the date of the lease or permit; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

Trespass.

SEC. 17. Any person, or association of persons, corporate or otherwise, who enters or has entered upon any land or lands coming under the provisions of this act, and who is holding, or attempting to hold or develop, any such land, is guilty of a trespass, and the claims being exerted are hereby declared to be null and void, and any property placed upon the said land is hereby declared forfeited to the state, and the surveyor general is hereby authorized and empowered to issue a prospector's permit or lease on the said land to any qualified claimant who shall comply with the provisions of this act after it becomes effective; *provided, however*, that the surveyor general may, and he is hereby expressly authorized and empowered to grant a lease, on a royalty of twelve and one-half per centum of the production, to any qualified person, or association of persons, corporate or otherwise, who shall apply therefor within three months after the passage of this act, and who, at least six months prior to the passage of this act, was operating a producing well or wells, or who was drilling the same, or actually mining for or otherwise developing the mineral products on the said area of lands; *provided, further, however*, that in case of such a lease the area shall be limited to that which is necessary for the operation of the wells or mines, and the surveyor general shall have the right to call for competitive bids for the lease or leases upon the surrounding area of land as hereinbefore provided for.

Powers of surveyor general.

SEC. 18. The surveyor general of the state is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purpose of this act.

Disposition of moneys.

SEC. 19. All moneys received by the surveyor general under the provisions of this act from rents, fees, bonuses and royalties accruing from the use of state school land shall be paid into the "school fund," all other moneys received under the provisions of this act shall be deposited in the "general fund."

Appropriation

SEC. 20. For the purposes of administering this act, there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of ten thousand dollars to be expended by the surveyor general, and the state controller is directed to draw his warrant in favor of the person or persons entitled to the same, upon demand of the surveyor general approved by the board of control, and the state treasurer is directed to pay the same.

SEC. 21. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality.

SEC. 22. All acts and parts of acts, inconsistent herewith, are hereby repealed.

Repealed.

CHAPTER 304.

An act making an appropriation for the construction and maintenance of fire lanes and trails on the mountains composing the watersheds of Los Angeles county.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, which money shall be used and expended for the purpose of cooperating with the county of Los Angeles in the construction and maintenance of fire lanes and fire trails on the mountains composing the watersheds of Los Angeles county which are not included within the area of a national forest.

Appropriation: fire trails, Los Angeles county.

SEC. 2. The state board of control is authorized to enter into a contract with the county of Los Angeles on behalf of the State of California and the board of supervisors of the county of Los Angeles is authorized to enter into a contract with the state board of control on behalf of the county of Los Angeles whereby the county of Los Angeles agrees to construct and maintain fire lanes and fire trails on the mountains composing the watersheds of said county which are not included within the area of a national forest and to expend thereon, during each of the seventy-third and seventy-fourth fiscal years, an amount in said contract to be agreed upon. One-half of the said amount to be expended shall be furnished by the county of Los Angeles from its general fund and one-half shall be furnished to the county of Los Angeles by the State of California on the order of the state board of control; *provided, however*, that the sum to be furnished by the state shall not exceed, in either of said fiscal years, the sum of ten thousand dollars.

Contract with Los Angeles county.

SEC. 3. The state controller is hereby authorized to draw his warrants in favor of Los Angeles county in an amount not to exceed ten thousand dollars in each of the seventy-third

and seventy-fourth fiscal years, upon receipt of a statement from the state board of control that a contract has been entered into under the provisions of this act and that the board of supervisors of Los Angeles county has appropriated and agreed to expend an amount equal to that furnished by the state.

Any part of the sums hereby appropriated may, with the consent of the governing body thereof expressed by resolution, be expended within the limits of any municipal corporation.

CHAPTER 305.

An act making an appropriation to meet the expenses of compiling, printing and distributing constitutional amendments.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
printing
constitu-
tional
amendments.

SECTION 1. The sum of fifty thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended in accordance with law for the compilation, printing and distribution of constitutional amendments to be submitted to the people during the seventy-third and seventy-fourth fiscal years.

CHAPTER 306.

An act to pay the claim of George Milias, John Raden, and Louis Cupich for judgment rendered in their favor against the State of California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
claim of
George
Milias,
John Raden,
Louis Cupich.

SECTION 1. The sum of two hundred eighty-seven dollars and fifty-eight cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of George Milias, John Raden, and Louis Cupich for judgment rendered in their favor against the State of California as entered February 3, A. D. 1919, in book eighteen of judgments, at page two hundred fifty-three, in department one of the superior court in the county of Santa Clara.

CHAPTER 307.

An act to provide for the assessment, levy and collection of taxes for the support of the state government for the seventy-third and seventy-fourth fiscal years.

[Approved May 25, 1921. In effect immediately.]

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

SECTION 1. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred twenty-one, for the support of the state government assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in the subdivisions (a), (b), (c), and (d), of section fourteen of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed, for the purpose of raising the sum of forty million four hundred thousand dollars for annual expenditure for the support of the state government for the seventy-third fiscal year, and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of forty million four hundred thousand dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the seventy-third fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of forty million four hundred thousand dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section fourteen of article thirteen of the constitution of the State of California, at the time provided in section three thousand six hundred ninety-six of the Political Code, shall fix such an ad valorem rate of taxation for the said seventy-third fiscal year upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred ten, as, after allowing five per cent for delinquencies, will raise for said seventy-third fiscal year the amount of said deficiency.

Assessment
and levy
of state
taxes.

Sum to be
raised for
73d fiscal
year.

Ad valorem
tax.

Sec. 2. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred twenty-two, for the support of the state government, assess and levy taxes upon the property in the manner and upon the rates of taxation as provided

for in subdivisions (a), (b), (c) and (d) of section fourteen of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed by the laws now in force, for the purpose of raising the sum of forty-one million one hundred thousand dollars for annual expenditure for the support of the state government for the seventy-fourth fiscal year; and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise the said sum of forty-one million one hundred thousand dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the seventy-fourth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of forty-one million one hundred thousand dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section fourteen of article thirteen of the constitution of the State of California, at the time provided in section three thousand six hundred ninety-six of the Political Code, shall fix such an ad valorem rate of taxation for said seventy-fourth fiscal year upon each one hundred dollars in value of taxable property, upon all the property of the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred ten, as, after allowing five per cent for delinquencies, will raise for said seventy-fourth fiscal year, the amount of said deficiency.

Sum to be raised for 74th fiscal year.

Ad valorem tax.

Tax to meet deficiency levied on all property.

In effect immediately.

SEC. 3. Any tax so levied and collected to meet a deficiency in state revenues for either of said fiscal years shall be assessed, levied and collected on all property in the state, not exempt from taxation, including the classes of property enumerated in section fourteen of article thirteen of the constitution of this state, under the provisions of the Political Code relating to the assessment, levy and collection of state and county taxes as said provisions were in force on the seventh day of November in the year one thousand nine hundred ten.

SEC. 4. This act, inasmuch as it provides for a tax levy for the usual current expenses of the state, shall, under the provisions of section one of article four of the constitution of the State of California, take effect immediately.

CHAPTER 308.

An act making an appropriation to pay the claim of Charles R. Perkins against the State of California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of one thousand seven hundred thirty-one dollars and twenty-five cents (\$1,731.25) is hereby appropriated out of the fish and game preservation fund in the state treasury, not otherwise appropriated, to pay the claim of Charles R. Perkins against the State of California.

Appropriation: claim of Charles R. Perkins.

CHAPTER 309.

An act to amend sections four hundred eighty-five and five hundred of the Political Code, relating to the appointment and compensation of officers and employees in the office of the state surveyor general and ex officio register of the state land office and to repeal section four hundred eighty-six of said code.

[Approved May 25, 1921. In effect July 29, 1921.]

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

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

485. The surveyor general may appoint a deputy surveyor general, who shall be ex officio deputy register of the state land office, at an annual salary of three thousand three hundred dollars, and may also appoint and fix the salaries of an assistant surveyor general, three abstractors, all of whom shall be civil executive officers, and such other clerical and expert assistants as may be necessary for the proper conduct of his office. The said salaries shall be paid in the same manner and at the same time as the salaries of other state officers.

Officers and employees in office of surveyor general.

SEC. 2. Section five hundred of the Political Code is hereby amended to read as follows:

500. The register of the state land office may appoint three abstractors all of whom shall be civil executive officers. The salaries of said abstractors shall be fixed and paid as prescribed by the provisions of section four hundred eighty-five of this code.

Abstractors.

SEC. 3. Section four hundred eighty-six of the Political Code is hereby repealed.

Repealed.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

Repealed.

CHAPTER 310.

An act to add a new section to the Political Code to be numbered three thousand six hundred eighty-one a, relating to the enforcement of the collection of delinquent taxes.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section to be numbered three thousand six hundred eighty-one a is hereby added to the Political Code to read as follows:

Enforcement
of collection
of delin-
quent
taxes.

3681a. When it is found that the collection of a delinquent tax can not be enforced by reason of an error in the assessment, the auditor and tax collector will certify to the facts in the case to the board of supervisors, who will upon advice of the district attorney order the clerk of the board to give notice by publication and by registered mail to the party to whom the property was last assessed, to appear and show cause why his property shall not be reassessed.

Said date of hearing must be set for a day which will permit of twenty-one days notice to the delinquent owner. The notice must also be printed once a week for three (3) weeks in a newspaper of general circulation in the county. This published notice may cover several parcels which are subject to the same action.

Every assessment of property made under the provisions of section three thousand six hundred twenty-seven and three thousand six hundred twenty-eight of the Political Code which are or may hereafter be adjudged to be invalid by reason of indefinite description any illegality, invalidity, or irregularity declared or existing in the assessment of such property, or in any of the acts thereafter performed in the levy and collection or advertisement in connection therewith from the assessment thereof to and including the deed of the property so assessed to the State of California on account of unpaid taxes due thereon shall be remade and the property reassessed and equalized for each year for which such assessment is invalid as aforesaid and for the year for which the assessment of such property was invalid as aforesaid and such reassessment and equalization shall be made by the same officers and boards at the same time or times as are prescribed by law for the assessment and equalization of property of the same classes or kinds as the property which is hereby required to be reassessed. The assessment and equalized assessment of such property shall be entered on the several assessment rolls or books in the same manner that assessments of such property are or were required by law to be entered for the year or years for which such assessment shall be made and there is hereby levied for state and county purposes or for county purposes

the same rates of taxation for each of such respective years as were levied upon such property for each of said years for said purposes, and all the provisions of law now or hereafter provided in respect to assessment, equalization, levy and collection of taxes shall where applicable apply to reassessment, equalization, and relieves and collections of taxes made under the provisions of this section. Upon the assessment being remade the same shall be deemed to be in force as if it were correctly made in the beginning.

CHAPTER 311.

An act appropriating money to meet the deficiency in the appropriation for the payment of compensation benefits accruing by reason of personal injury resulting from accident to state officers and employes while performing services accruing out of and incidental to their employment.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used to meet the deficiency in the appropriation for the payment of compensation benefits accruing by reason of personal injury resulting from accident to state officers and employes while performing services accruing out of and incidental to their employment, where the services have been paid for out of the general fund in the state treasury.

Appropriation: compensation benefits to state officers and employes.

CHAPTER 312.

An act to amend section two of an act entitled "An act to provide for maintenance of county highways, improved under bond issues in the counties of the state, and empowering the boards of supervisors to levy taxes therefor," approved May 1, 1911, as amended.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. Section two of an act entitled "An act to provide for maintenance of county highways, improved under bond issues in the counties of the state, and empowering the boards

Stats. 1919, p. 342, amended

of supervisors to levy taxes therefor," approved May 1, 1911, as amended, is hereby amended to read as follows:

Levy of tax
for improve-
ment of county
highways.

Sec. 2. The board of supervisors may annually, for each fiscal year, levy a tax not to exceed ten cents on each one hundred dollars of value of taxable property of the county, for each one hundred miles or fraction thereof of improved county highways, improved under a bond issue therefor. This tax shall be collectible by the several officers charged with the collection of other county taxes in the same manner and at the same time as other county taxes are collectible on all property; and the collection must be paid into the county treasurer and by the county treasurer converted into a separate fund hereby created and known as the county highway maintenance fund. The money derived from such tax must be applied solely to the maintenance, or to the further improvement of county highways, improved under a bond issue to cover the whole county

CHAPTER 313.

An act appropriating money to pay the claim of Raymond Benjamin against the State of California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
claim of
Raymond
Benjamin.

SECTION 1. The sum of four thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Raymond Benjamin against the State of California.

CHAPTER 314.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, by controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document

number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs; and making an appropriation for such work; and providing for the continuance of such work as provided by section two of an act of the congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of five hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which shall be available July 1, 1922, for controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs.

Appropriation: Improvement of navigation of Sacramento, San Joaquin and Feather rivers.

SEC. 2. The appropriation made by section one of this act is made in compliance with the provisions of section two of that certain act of congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917, and shall be paid to the treasurer of the United States whenever a like sum of five hundred thousand dollars shall have been appropriated or authorized to be appropriated by the congress of the United States, conditional on the payment of an equal amount by the State of California, for the prosecution of said work pursuant to section two of said act of congress.

Contingent on federal appropriation.

SEC. 3. The money hereby appropriated, when paid to the treasurer of the United States, shall be expended under the direction of the California debris commission and in such manner as it may require or approve, and as provided in section two of said act of congress; and none of the money so appropriated shall be expended in the purchase of or

Expenditure by California debris commission.

payment for any right of way, easement or land acquired for the purposes of said improvement.

SEC. 4. The controller of the State of California is hereby authorized and directed, upon request of the governor, to draw his warrant or warrants on the state treasury in favor of the treasurer of the United States for the amount hereby appropriated, and the state controller is hereby directed to pay the same.

If congress appropriates lesser sum.

SEC. 5. If the congress of the United States shall not appropriate the full sum of five hundred thousand dollars for the prosecution of said work in accordance with section two of said act of congress, as hereinbefore referred to, but shall appropriate a less sum or sums from time to time for said purpose, then the said sum hereby appropriated shall become available and be paid over to the treasurer of the United States, for said purpose as hereinbefore provided, in such sum or sums from time to time as may equal the sum or sums so appropriated or authorized to be appropriated by congress.

CHAPTER 315.

An act to amend sections one and two of an act entitled, "An act to provide for the formation of special municipal tax districts within municipalities for the acquisition, construction or operation of public improvements, works or utilities of local necessity or convenience, or for the furnishing of special local service; and for the acquisition, construction or operation of such improvements, works or utilities, or the furnishing of such service by or for such districts," approved May 16, 1919.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1919,
p. 546,
amended.

SECTION 1. Section one of the act entitled, "An act to provide for the formation of special municipal tax districts within municipalities for the acquisition, construction or operation of public improvements, works or utilities of local necessity or convenience, or for the furnishing of special local service; and for the acquisition, construction or operation of such improvements, works or utilities, or the furnishing of such service by or for such districts," approved May 16, 1919, is hereby amended to read as follows:

Special
municipal
tax districts.

Section 1. Any portion of a municipality incorporated under the laws of the state may be formed into a special municipal tax district for the purpose of levying upon the taxable property in such district a special tax not to exceed thirty-five cents per annum on each one hundred dollars of assessed valuation, the proceeds from which shall be used for the acqui-

sition, construction or operation of any public improvement or work or utility of local necessity or convenience, or for the furnishing, performing or doing of any special local service, which such municipality is authorized by law to acquire, construct, operate, furnish, perform or do, including music, recreation or advertising. Such districts shall be formed and such tax levied in the manner and under the proceedings hereinafter set forth. Such districts may be formed to continue one, two, three, four or five years, and such special tax may be levied each year for such period of time.

SEC. 2. Section two of said act approved May 16, 1919, is hereby amended to read as follows:

Sec. 2. Whenever a petition signed by not less than ten per cent of the qualified electors residing in the territory which is proposed to be formed into a special municipal tax district, setting forth a general description of the improvement, work or utility to be acquired, constructed or operated, or the special local service to be furnished, performed or done, a general description of the exterior boundaries of such proposed district, and a statement of the duration of such district and the maximum annual special tax proposed to be levied, shall have been filed in the office of the clerk of the legislative body of said city, said legislative body may adopt an ordinance or resolution declaring its intention to call an election in said proposed district, or as the same shall have been modified as hereinafter provided, for the purpose of submitting to the qualified electors of said district the proposition of authorizing the formation of such special municipal tax district and the levying therein of a special tax in the manner and for the purpose set forth in said ordinance or resolution of intention. In said ordinance or resolution of intention said legislative body shall have power to change or modify the boundaries of said district and the nature, character or extent of such proposed public improvement, work, utility or local service. Said ordinance or resolution of intention shall also contain:

1. A description of the exterior boundaries of the proposed special municipal tax district;

2. A general description of the improvement, work, utility or local service proposed to be acquired, constructed, operated, furnished, performed or done;

3. The maximum annual special tax proposed to be levied, and the number of years, not exceeding five years, that it is proposed said special tax shall be levied, and said proposed district shall remain in existence;

4. A statement that an election will be called in said district for the purpose of submitting to the qualified electors thereof the proposition of the formation of such special municipal tax district and the levying therein of said special tax to pay the cost and expenses of the proposed improvement, work, utility or local service, and that a map showing the exterior boundaries of said district with relation to the territory imme-

Stats. 1919,
p. 547,
amended.
Petition to
form
district.

Resolution
of intention.

Contents.

diately contiguous thereto, and a general description of the proposed improvement are on file in the office of the clerk of the legislative body of such city, which said map shall govern for all details as to the extent of the said district.

5. A date, hour and place fixed for the hearing of protests.

CHAPTER 316.

An act to amend the Civil Code by adding thereto a new section, to be numbered six hundred seventeen, relating to cemetery corporations.

[Approved May 26, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Civil Code to be numbered section six hundred seventeen and to read as follows:

Funds of cemetery corporation for perpetual care of lots.

617. Any cemetery corporation or association under contract for the perpetual care of a certain lot or lots in the cemetery of said corporation or association, is hereby expressly forbidden to use the funds received for the perpetual care of any lot or lots under such contract or contracts, for any other purpose than to provide the perpetual care mentioned in said contract, and it shall be the duty of the board of directors or board of trustees of a cemetery corporation or association receiving funds from perpetual care contracts to invest or reinvest such funds in bonds of the United States or the State of California, or of any county, city and county, or city of the State of California, or in first mortgages on real estate, or in centrally located income producing improved real estate in any city or city and county in this state.

CHAPTER 317.

An act appropriating money for the erection of quarters for officers and employecs at the Sonoma State Home and for the purchase of equipment and furnishings for the same.

[Approved May 26, 1921. In effect July 29, 1921.]

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

Appropriation: quarters, etc. Sonoma State Home.

SECTION 1. The sum of sixty-seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the erection of quarters for officers and employecs at the Sonoma State Home and for the purchase of equipment and furnishings for the same.

CHAPTER 318.

An act appropriating money for the removal, disposal and care of bodies at the Napa State Hospital.

[Approved May 26, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the removal, disposal and care of bodies at the Napa State Hospital.

Appropriation:
removal of
bodies.
Napa State
Hospital.

CHAPTER 319.

An act appropriating money for the erection and equipment of cottages at the Sonoma State Home.

[Approved May 26, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of seventy-one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the erection and equipment of cottages at the Sonoma State Home.

Appropriation:
cottages
Sonoma
State
Home.

CHAPTER 320.

An act to amend section four thousand two hundred seventy-nine of the Political Code, relating to the compensation of officers of counties of the fiftieth class.

[Approved May 26, 1921. In effect July 29, 1921.]

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

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

4279. In counties of the fiftieth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Counties of
50th class,
salaries of
officers.

1. The county clerk, two thousand dollars per annum, except in the years when a general election is held, and in such years he shall receive two thousand three hundred dollars per annum, and said clerk may appoint one deputy clerk, which office is

County
clerk.

heroby created, who shall receive a salary of nine hundred dollars per annum. The deputy hercin provided for shall be paid at the same time and in the same manner and out of the same fund as the clerk is paid.

Sheriff

2. The sheriff, four thousand dollars per annum. He shall have one deputy at one thousand two hundred dollars per annum, which office is hereby created.

Recorder.

3. The recorder, one thousand eight hundred dollars per annum. He shall have one deputy, which office is hereby created at a salary of nine hundred dollars per annum.

Auditor.

4. The auditor four hundred dollars per annum.

Treasurer.

5. The treasurer, two thousand dollars per annum.

Tax collector.

6. The tax collector, seven hundred fifty dollars per annum.

Assessor.

7. The assessor, two thousand six hundred dollars per annum.

He shall have one deputy, which office is hereby created, at a salary of five hundred dollars per annum; *provided, however,* that such compensation shall be in full for all services of every kind and description rendered by the assessor; *and it is further provided,* that in counties of this class from and after the date upon which this act takes effect, the assessor shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him by the provisions of section four thousand two hundred ninety of the Political Code, as compensation for the services therein mentioned.

District attorney.

8. The district attorney, two thousand dollars per annum.

Coroner.

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

Public administrator.

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

Superintendent of schools.

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

Surveyor.

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

Classification of townships.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination.

Townships having a population of one thousand two hundred or more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; town-

ships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

Justices of the peace shall receive the following salaries: Justices of the peace.
 In townships of the first class the sum of two hundred forty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of two hundred forty dollars per annum; in townships of the second class the sum of one hundred eighty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars for the period beginning with the date upon which this act takes effect, and ending December 31, 1915, and thereafter a salary of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of sixty dollars per annum.

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

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

14. Constables, such fees as are now or may hereafter be Constables.
 allowed by law.

15. Each supervisor, one thousand dollars per annum and Supervisors.
 mileage from residence to the county seat at each sitting of the board of twenty cents per mile; said compensation to be in full for services either as supervisor or for mileage as road commissioner.

15a. There is created for counties of the fiftieth class County librarian.
 the office of county librarian; the librarian shall be appointed by the board of supervisors for a term of four years and shall receive a salary of one thousand eight hundred dollars per annum, to be paid in equal monthly installments at the same time and in the same manner as other county officers are paid.

16. Reporter, in counties of this class, the official reporter Reporter.
 of the superior court shall receive a salary of seventy-five dollars per month to cover all work done in criminal cases, both in the superior court and justice's courts of the county, and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars. He shall also receive as compensation for transcribing notes whether in civil or criminal cases, the amount now or to be hereafter provided by law, such compensation for transcribing to be paid in such manner as now or may hereafter be provided by law. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

17. The license collector, the sum of one thousand fifty License collector
 dollars per annum; *provided, however,* that such compensation shall be in full for all services of every kind and descrip-

tion rendered as such license collector; and it is further provided, that in counties of this class from and after the date upon which this act takes effect, the said license collector shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him as now provided by law as compensation for the services therein mentioned. The provisions of this subdivision are not intended to increase the compensation of the incumbent of such office but are intended to change the compensation of the license collector from the fee system to a fixed salary basis and shall take effect ninety days after the final adjournment of the forty-third session of the legislature.

Jurors.

18. Grand and trial jurors, three dollars per day, and such mileage fees as may be allowed by law.

Witnesses.

19. Witnesses in attendance upon either the superior or justices' courts shall receive two dollars per day and such mileage fees as may be allowed by law.

CHAPTER 321.

An act to amend section four thousand two hundred forty-five of the Political Code relating to compensation of officers in counties of the sixteenth class.

[Approved May 26, 1921. In effect July 29, 1921.]

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

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

Counties of
16th class,
salaries of
officers.

4245. In counties of the sixteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

County
clerk.

1. The county clerk, three thousand dollars per annum, and registration fees; all other fees of the clerk's office to be paid into the county treasury; provided, that in counties of this class there shall be a chief deputy clerk who shall be paid a salary of two thousand four hundred dollars per annum in equal monthly installments; said chief deputy, in addition to his other duties, to prepare all deeds for the county without extra cost to the county.

One deputy clerk for each department of the superior court in this class of counties who shall receive a salary of one thousand eight hundred dollars each per annum, to be paid in equal monthly installments, also one deputy clerk who shall be paid one thousand eight hundred dollars per annum, to be paid in equal monthly installments; and also a stenographer at a salary of one thousand five hundred dollars per annum; the salaries of said deputy clerks to be paid at the same time, and in the same manner, and out of the same fund as the salary of

the county clerk, the clerk also to receive ten cents a name for each person registered, which shall be allowed by the board of supervisors of the county. He shall also be allowed not to exceed ten deputies for the purpose of registering electors, who shall be paid not to exceed five cents for each elector registered; that any of such deputies as are required to work in the office shall receive not to exceed four dollars per day for the time so employed. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

2. The sheriff, three thousand six hundred dollars per annum and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be one chief deputy sheriff at two thousand one hundred dollars per annum, to be paid in equal monthly installments; and four deputy sheriffs at one thousand eight hundred eighty dollars per annum, to be paid in equal monthly installments. The sheriff may also, with the consent of the superior judge, when necessary for the care of the jury, appoint a woman as deputy sheriff who shall be paid a per diem of five dollars when actually engaged in the performance of her duties. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents. Sheriff.

3. The recorder, two thousand seven hundred dollars per annum; and said recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be collected; *provided*, that in counties of this class there shall be one chief deputy recorder who shall receive a salary of two thousand one hundred dollars per annum, one indexing deputy recorder who shall receive a salary of one thousand eight hundred dollars per annum, and three deputies who shall each receive a salary of one thousand five hundred dollars per annum, and such copyists as are necessary to perform the duties of the office, at a compensation of five cents per folio, the salaries of said recorder, deputies and copyists to be paid in equal monthly installments by the county. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents. Recorder.

4. The auditor, two thousand seven hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum and one deputy auditor who shall receive a salary of one thousand five hundred dollars per annum. The auditor may also be allowed by the board of supervisors, a sum not exceeding one thousand dollars per annum for additional clerical help when, in the opinion of the board of supervisors, such assistance is necessary. It is Auditor.

hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Treasurer.

5. The treasurer, one thousand eight hundred dollars per annum and the fees and commissions now or hereafter allowed by law.

Tax collector.

6. The tax collector, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class, there shall be one deputy tax collector who shall receive a salary of two thousand one hundred dollars per annum, to be paid in equal monthly installments at the same time and out of the same fund as the salary of the tax collector; *also provided*, that in counties of this class there shall be one deputy tax collector for not exceeding four months in each year at a salary of one hundred fifteen dollars per month, also one deputy tax collector for not exceeding six months in each year, at one hundred fifteen dollars per month, said salaries to be paid by the county out of the same fund as the tax collector's. The tax collector may also be allowed by the board of supervisors, a sum not exceeding five hundred dollars per annum for additional clerical help when, in the opinion of the board of supervisors, such assistance is necessary. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Assessor.

7. The assessor, two thousand seven hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed two deputies who shall be appointed by the assessor, one to receive a salary of two thousand one hundred dollars per annum and one to receive a salary of one thousand eight hundred dollars per annum in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all necessary plats, maps, and block books for the assessor's office; *provided, also*, that for each name upon the assessment roll, representing one or more statements in excess of ten thousand, the assessor shall receive fifty cents. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

District attorney.

8. The district attorney, two thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy district attorney at a salary of one thousand three hundred dollars per annum, and one deputy district attorney at a salary of nine hundred dollars per annum to be paid in equal monthly installments by the county. In addition, the district attorney shall be allowed one stenographer who shall be paid a salary of one thousand dollars per annum,

to be paid in equal monthly installments by the county. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

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

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

11. The superintendent of schools, two thousand seven hundred dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of one thousand dollars in any one year. He shall receive five dollars per day for his services while serving as secretary of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, who shall receive as salary two thousand dollars per annum; also one deputy, who shall receive a salary of one thousand five hundred dollars per annum; one deputy for not exceeding three months in each year, at a salary of one hundred dollars per month; said salaries of deputies to be paid in equal monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents. Superintendent
of
schools.

12. The surveyor shall receive three thousand dollars per Surveyor. annum, and in addition thereto, all actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy county surveyor at a salary of two thousand one hundred dollars per annum, and one draftsman at a salary of one thousand eight hundred dollars per annum, said deputy and draftsman to be appointed by the principal and paid at the same time and in the same manner as the county surveyor. It shall be the duty of the surveyor among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county, it is necessary to employ additional assistance for the performance of said work, other than with regard to roads, the board of supervisors may allow the necessary actual expense thereof. Also to prepare all maps or plats necessary to accompany reports made by him on road work, and prepare and keep all the necessary and proper records in his office; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping the proper records in his office. He shall at all times be subject to the orders of the board of supervisors. The office of the county surveyor shall be kept open for the accommoda-

tion of the public, with the surveyor, a deputy, or a competent clerk in charge from nine o'clock a.m. until five o'clock p.m., the same as other county offices. The county surveyor shall be allowed the services of a competent clerk, to be appointed by the principal, and receive a salary of one thousand two hundred dollars per annum, to be paid out of the same fund, at the same time and in the same manner as other county officers are paid. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for services other than for the county, shall be paid into the county treasury. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Classifica-
tion of
townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by multiplying the said total number of registered voters by three and one-half; townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class; townships having a population of eight thousand and less than fifteen thousand shall belong to and be known as townships of the second class; townships having a population of three thousand and less than eight thousand shall belong to and be known as townships of the third class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of less than one thousand shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

Justices of
the peace.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as county officers are paid, which shall be in full compensation for all services rendered by them, to wit: In townships of the first class, one hundred seventy-five dollars per month; *provided*, that in townships of this class the board of supervisors may by ordinance provide for the appointment of a clerk and fix his compensation. He shall have authority to receive and file all pleadings and other papers to be filed, sign and issue summons and process including writs of attachment and execution, enter satisfaction of judgments and issue transcripts and abstracts thereof; in townships of the second class, one hundred dollars per month; in townships of the third class, fifty-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class, twenty

dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace of the first class are required to keep their offices open from nine o'clock a.m. until five o'clock p.m. In townships of the first, second and third classes the board of supervisors shall furnish adequate office room, in all other townships all justices shall be allowed not to exceed five dollars per month for office rent. These salaries shall also apply to incumbents.

14. Constables shall receive the following monthly salaries, ^{Constables.} to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars; in townships of the second class, one hundred dollars; in townships of the third class, eighty dollars; in townships of the fourth class, sixty dollars; in townships of the fifth class, forty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now allowed or may hereafter be allowed by law, for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury; *provided, further*, that when a constable is required to go out of his own county to serve a warrant of arrest or any other papers in a criminal case, he shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited by the board of supervisors. These salaries shall also apply to incumbents.

15. Supervisors shall receive the sum of two thousand one ^{Supervisors.} hundred dollars per annum, each, and mileage at the rate of ten cents per mile for each mile traveled in coming to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall act as road commissioners in their respective districts. The change in compensation hereby made is not an increase in compensation of a county officer and shall become operative as soon as this act takes effect.

15½. In counties of the sixteenth class the salary of the ^{County} ^{librarian.} county librarian shall be two thousand one hundred dollars per annum; *provided*, that in counties of the sixteenth class when the county librarian also acts as city librarian that he may receive additional compensation from said city for which he acts as city librarian. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

16. Witnesses in criminal cases and in cases of dependent ^{Witnesses.} and delinquent persons shall receive two dollars per day, and ten cents per mile for each mile actually traveled, one way

only. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

Jurors.

17. Jurors in a county of this class, both grand and petty jurors in the superior court, shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat in going only, the sum of twenty cents per mile, such mileage to be allowed but once during each session such jurors are required to attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same.

This act to go into effect immediately, and apply to all present incumbents, except as hereinbefore provided and excepted.

CHAPTER 322.

An act to amend section four thousand two hundred fifty-six of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-seventh class.

[Approved May 26, 1921. In effect July 29, 1921.]

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

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

Counties of
27th class.
salaries of
officers.

4256. In counties of the twenty-seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

County
clerk.

1. The county clerk, three thousand dollars per annum; and in any year when a new and complete or supplemental registration of voters is required by law to be made, he shall receive the sum of fifteen cents for each elector registered, which shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county. The county clerk shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum.

The county clerk shall also be allowed one copyist at a salary of nine hundred dollars per annum, and two copyists during the month of October in each even numbered year and prior to the holding of the November general election, said copyists to receive a salary of fifty dollars each for said month; said deputies and copyists to be appointed by the county clerk.

The county clerk shall appoint all necessary deputies for the registration of voters, said deputies to be paid by the county clerk.

2. The sheriff, five thousand dollars per annum, and necessary expenses for pursuing criminals or transacting any criminal business. The sheriff shall be allowed one deputy, who shall be the jailer, at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand two hundred dollars per annum; said deputies to be appointed by the sheriff; and such additional deputies as may be required to enforce the provisions of the motor vehicle law, said deputies to be appointed by the sheriff and to receive such compensation, to be paid out of the general fund of the county, as the board of supervisors may fix.

3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county and shall be paid salaries and compensations as follows:

One chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and three additional deputies for indexing and comparing, each of whom shall receive a salary of one thousand five hundred dollars per annum.

Said recorder may also appoint such copyists, not to exceed three as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of any records or papers.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasurer.

4. The auditor, three thousand dollars per annum. The auditor shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; said deputy to be appointed by the auditor; *and provided, further*, that the said auditor shall be allowed one copyist who shall hold office for a period not to exceed four months of each year, at a salary of one hundred dollars per month; said copyist to be appointed by the auditor.

5. The treasurer, three thousand dollars per annum. The treasurer shall be allowed one deputy for six months of each

year at a salary of one hundred fifty dollars per month; said deputy to be appointed by the treasurer.

Tax
collector.

6. The tax collector, two thousand five hundred dollars per annum. The tax collector shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; said deputy to be appointed by the tax collector; and *provided, further*, that the said tax collector shall be allowed one deputy who shall hold office during the months of September, October, November and December at a salary of seventy-five dollars per month; said deputy to be appointed by the tax collector.

Assessor.

7. The assessor, three thousand six hundred dollars per annum and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor, the following deputies, who shall be appointed by the assessor and who shall be paid salaries as follows: One assistant assessor who shall receive a salary of two thousand dollars per annum; one deputy assessor who shall receive a salary of one thousand six hundred and eighty dollars per annum; one deputy who shall receive a salary of one thousand five hundred dollars per annum; one copyist for a period not to exceed four months each year at a salary of one hundred dollars per month; such additional deputies as may be necessary to carry on the work of his office for a length of time not to exceed three months for each deputy and the aggregate compensation to be paid all of such deputies shall not exceed the sum of six thousand fifty dollars in any fiscal year. The deputies herein provided for shall be paid at the same time and in the same manner, and out of the same fund as the salary of the county assessor is paid; *provided*, the assessor shall be allowed a draftsman who shall annually revise the plats in the office of the assessor, for which he shall receive a sum not to exceed four hundred dollars in any one year. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply to the present incumbents.

District
attorney.

8. The district attorney, three thousand dollars per annum. The district attorney shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; and also a stenographer at a salary of one thousand five hundred dollars per annum; said deputy and stenographer to be appointed by the district attorney.

Coroner.

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

Public ad-
ministrato-
r.

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

Superintend-
ent of
schools.

11. The superintendent of schools, two thousand five hundred dollars per annum; and shall also be allowed the compensation allowed by law for services on the board of educa-

tion, and actual traveling expenses when visiting in his (or her) county. The superintendent of schools shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; and one deputy at a salary of one thousand two hundred dollars per annum; said deputies to be appointed by superintendent of schools.

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

13. For the purpose of regulating the compensation of Classifica-
tion of
townships.
justices of the peace and constables, townships in counties of the twenty-sixth class are hereby classified according to population to be determined by the board of supervisors at the time of the formation of any new judicial township or townships in the manner prescribed by section four thousand fifty-five of the Political Code. Townships having a population of five thousand or more shall belong to and be known as townships of the first class. Townships having a population of less than five thousand and more than three thousand five hundred shall belong to and be known as townships of the second class. Townships having a population of less than three thousand five hundred shall belong to and be known as townships of the third class. Justices of the peace shall receive Justices of
the peace.
the following salaries for all services rendered by them: In townships of the first class, one hundred dollars per month; in townships of the second class, fifty dollars per month; in townships of the third class, thirty-five dollars per month.

14. Constables in counties of this class shall receive the Constables.
following salaries for all services rendered by them in criminal cases: In townships of the first class, one hundred dollars per month; in townships of the second class, fifty dollars per month; in townships of the third class, thirty-five dollars per month; constables shall also receive for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from place of arrest to court, and, in case of conviction, from the court to the county jail.

15. Supervisors, each, the sum of one thousand eight hun- Supervisors.
dred dollars per annum for all services performed by them as supervisors and as members of the board of equalization. Each supervisor shall receive mileage at the rate of twenty-five cents per each mile traveled in going to and from the meeting of the board. They shall act as road commissioners in their respective districts and shall receive for their services as such road commissioner mileage at the rate of twenty-five cents per mile for all distances actually traveled by them in the discharge of their duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of six hundred dollars for any one of the road commissioners.

15a. There is created for counties of the twenty-seventh County
librarian.
class a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a

salary of two thousand five hundred dollars per annum; to be paid at the time and in the manner as other county officers.

Official reporter.

16. The official reporter of the superior court, such fees as are now or may hereafter be allowed by law.

Jurors.

17. Juror fees shall be as follows: For attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars per day; for each mile he travels in attending court as such juror, fifteen cents per mile in going only.

Public defender.

18. If at any time there shall be created and established in this state a county office designated the office of county public defender, then, and in that case, the salary to be allowed such officer in counties of this class shall be one thousand two hundred dollars per annum.

19. The provisions of subdivision eighteen of this section shall have no force or effect unless the office therein anticipated is created by constitutional or legislative enactment.

Monthly installments.

20. The salaries of all county and township officers and their deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 323.

An act appropriating money for the erection of additional buildings at Norwalk State Hospital and equipping the same.

[Approved May 26, 1921. In effect July 29, 1921.]

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

Appropriation: buildings, Norwalk State Hospital.

SECTION 1. The sum of four hundred thirty-four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the erection of additional buildings at Norwalk State Hospital and equipping the same.

CHAPTER 324.

An act to appropriate the sum of thirty thousand dollars to be used in the construction, renewal and repair of works for restraining, impounding and controlling debris resulting from mining operations, natural erosions and other causes, and to provide for the manner of expending such appropriation.

[Approved May 26, 1921. In effect July 20, 1921.]

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

SECTION 1. There is hereby appropriated out of the general fund of the state treasury, not otherwise appropriated, the sum of thirty thousand dollars to be used in the construction, renewal and repair of works for the restraining, impounding and controlling of debris resulting from mining operations, natural erosions and other causes.

Appropriation: constructing works for controlling debris.

SEC. 2. All work to be paid for from this appropriation shall be executed by or under the direction of the California debris commission according to plans approved by the state department of engineering.

SEC. 3. This act shall become operative only upon condition that the government of the United States shall appropriate or allot a like sum, to wit, thirty thousand dollars for the same work.

SEC. 4. The controller of the State of California is hereby authorized and directed, upon requests of the California debris commission, approved by the state engineer and the state board of control, to draw his warrant on the state treasurer from time to time in such amounts as the said California debris commission may require, and the state treasurer is authorized and directed to pay such warrants.

CHAPTER 325.

An act appropriating money to pay the claim of Theodore Dierks and Company, Incorporated, against the State of California.

[Approved May 26, 1921. In effect July 20, 1921.]

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

SECTION 1. The sum of two hundred twenty-two dollars is hereby appropriated out of any money in the state treasury to the credit of the estates of deceased persons' fund account of Ferdinand Remmel to pay the claim of Theodore Dierks and Company, Incorporated, against the State of California. The state controller is hereby directed to draw his warrant in favor of Theodore Dierks and Company, Incorporated, for said sum of two hundred twenty-two dollars and the state treasurer is hereby directed to pay the same.

Appropriation: claim of Theodore Dierks & Co.

CHAPTER 326.

An act to amend sections four thousand two hundred ninety-five and four thousand two hundred ninety-seven of the Political Code, relating to official services and fees.

[Approved May 18, 1921. In effect July 20, 1921.]

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

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

Official
services and
fees.

4295. State, county, and township officers shall not, in any case, except in proceedings upon habeas corpus, perform any official services unless upon the prepayment of such fees as are prescribed by law, for the performance of such services; *provided*, that the state or any county, city or city and county, or any public officer, or board or body, acting in his, or her, or its official capacity on behalf of the state, or any county, city, or city and county, shall not be required to pay or deposit any fee for the filing of any document or paper, or for the performance of any official service; *provided, further*, that the state, or any county, city, or city and county, or any public officer, or board or body, acting in his or her or its official capacity, on behalf of the state, or county, or city, or city and county, except notaries public, shall not collect, demand, or receive any fee or compensation for recording or indexing any discharge of a soldier, sailor, or marine, of the United States army, navy, or marine corps, or of a nurse who served in the American Red Cross or in the army or navy nurse corps, or for issuing certified copies thereof, or for any service whatever rendered in the matter of a pension claim, application, affidavit, voucher, or in the matter of any claim to be presented to the bureau of war risk insurance, under and by virtue of an act of congress of the United States, entitled "An act to amend an act entitled 'An act to authorize the establishment of a bureau of war risk insurance in the treasury department,' " approved October 6, 1917, and acts amendatory thereof; or furnishing a verified copy of the public record of a marriage, death, birth, or divorce, deed of trust, mortgage, or property assessment, or making the search for the same, wherein the same is to be used in a claim for pension, or a claim for allotment, allowance, compensation, insurance automatic insurance, or otherwise, under the said act, establishing the said bureau of war risk insurance. Notaries public shall not make any charge for an acknowledgment to any document that is to be filed in any pending claim in the bureau of pensions, department of the interior, or in the bureau of war risk insurance, treasury department.

Services for
soldiers, etc.

Said services shall be rendered on the request of a United States official, a claimant, his or her guardian, or attorney,

and for every failure or refusal so to do, such officer shall be liable on his or her official bond.

Upon payment by any person of the fees required by law, the officer must perform the services required, and for every failure or refusal so to do, such officer shall be liable on his or her official bond.

SEC. 2. Section four thousand two hundred ninety-seven of the Political Code is hereby amended to read as follows:

4297. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus, nor for administering or certifying the oath of office nor filing nor swearing to any claim or demand against any county in this state. State, or any county, city, and city and county, or any public officer, except notaries public, or board or body, acting in his or her, or its official capacity, on behalf of the state, or any county, city, or city and county, shall not receive fees or other compensation for services rendered in an affidavit, or application relating to the securing of a pension, or the payment of a pension voucher, or any matter relating thereto. No charge shall be made by notaries public for an acknowledgment of a claimant or a witness, in the matter of a claim pending in the bureau of pensions, department of the interior, or in the bureau of war risk insurance, treasury department; *provided*, said acts are performed in the designated office of the notaries public.

No fees in habeas corpus proceedings, etc.

CHAPTER 327.

An act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the establishment of the fact of death and its effect upon title to land in reference to life estates, homesteads, joint tenancies and community property.

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

1723. When the death of a person terminates a life estate or a homestead right, or vests a homestead, or affects a joint tenancy, or vests one with the title to community property without the necessity of administration, any person whose interest in land is affected by such death may file in the superior court of the county of which the decedent was a resident, or if the decedent be a nonresident then in any county in which any of the land is situated, a verified petition setting forth those facts and particularly describing the land and his interest

Establishment of fact of death

therein, and naming all persons who claim or might claim an interest therein as personal representative, heir or devisee of the decedent, so far as known to the petitioner.

Hearing.

The clerk must set the petition for hearing by the court and give such notice thereof as the court may order, either by publication or by causing notices of the time and place of hearing to be posted in at least three public places in the county, one of which must be at the place where the court is held, at least ten days before the hearing. Written notice of the time and place of hearing, together with a copy of the petition, must be served upon any person named in the petition as representative, heir or devisee of the decedent, in the same manner as a summons, at least ten days before the time set for the hearing or to which it may have been postponed. The court shall take evidence in support of the petition and of any issues raised, and may render judgment thereon establishing such termination of estate or investiture of title and determining to whom the property belongs by reason thereof. All persons so served shall be concluded by the judgment; but the court, in its discretion, may proceed without personal service being made, in which event, as to persons not so served, the decree shall be conclusive only of the fact of such death.

Any inheritance tax which becomes payable by reason of such death must be paid before such decree is made.

Recording
decree.

A certified copy of the decree shall be recorded in the office of the recorder of each county in which any part of the land is situated.

CHAPTER 328.

An act to amend section twenty-three of the "water commission act," approved June 16, 1913, as amended, relating to fees upon applications for and issuance of permits to appropriate water.

[Approved May 18, 1921. In effect July 29, 1921.]

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

Stats. 1917,
p. 195,
amended

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

Fees.

Sec. 23. Every person, firm, association or corporation making application for a permit to appropriate water or the use of water under this act shall pay to the state water commission at the time of filing said application, a filing fee in the sum of five dollars, and, upon the issue of a permit, the additional fee, if the purpose or use is for the generation of electricity or electrical or other power, of ten cents for each theoretical horsepower capable of being developed by the works up to and including one hundred theoretical horsepower, of five

For
electrical
power.

cents for each horsepower in excess of one hundred theoretical horsepower up to and including one thousand theoretical horsepower, and of one cent for each theoretical horsepower in excess of one thousand theoretical horsepower; also, if for agricultural purposes, of five cents for each acre of land to be irrigated by means of said appropriation to and including one hundred acres, of three cents per acre for each acre in excess of one hundred acres up to and including one thousand acres and of two cents for each acre over one thousand acres; *provided*, that only one fee shall be paid upon issuance of two or more permits for the irrigation of the same land, whether said permits be issued simultaneously or otherwise; and that only one fee shall be paid upon issuance of two or more permits for water to be applied to the same power generating machinery or appliance whether said permits be issued simultaneously or otherwise. All fees shall forthwith be paid into the state treasury by the state water commission. No fee shall be required from any person, firm, association, or corporation exempt by any law of the State of California from the payment of such fee.

For
agricultural
purposes.

CHAPTER 329.

An act to amend sections fifteen and sixteen of the "water commission act," approved June 16, 1913, as amended, relating to the powers and duties of the state water commission in acting upon applications to appropriate water and applications to change the place of use of water.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. Section fifteen of the "water commission act," approved June 16, 1913, is hereby amended so as to read as follows:

Stats. 1917,
p. 194,
amended.

Sec. 15. The state water commission shall allow, under the provisions of this act, the appropriation for beneficial purposes of unappropriated water under such terms and conditions as in the judgment of the commission will best develop, conserve and utilize in the public interest the water sought to be appropriated. It is hereby declared to be the established policy of this state that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation. In acting upon applications to appropriate water the commission shall be guided by the above declaration of policy. The commission shall reject an application when in its judgment the proposed appropriation would not best conserve the public interest.

Use of un-
appropriated
water.

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

Stats. 1913,
p. 1021,
amended.

Application
for permit.

Sec. 16. Every application for a permit to appropriate water shall set forth the name and post-office address of the applicant, the source of water supply, the nature and amount of the proposed use, the location and description of the proposed headworks, ditch, canal and other works; the proposed place of diversion and the place where it is intended to use the water; the time within which it is proposed to begin construction, the time required for completion of the construction, and the time for the complete application of the water to the proposed use. If for agricultural purposes, the application shall, besides the above general requirements, give the legal subdivisions of the land and the acreage to be irrigated, as near as may be; if for power purposes, it shall give, besides the general requirements prescribed above, the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the use to which the power is to be applied; if for storage in a reservoir, it shall give, in addition to the general requirements prescribed above, the height of dam, the capacity of reservoir, and the use to be made of the impounded waters; if for municipal water supply, it shall give, besides the general requirements specified above, the present population to be served, and, as near as may be, the future requirements of the city; if for mining purposes, it shall give, in addition to the general requirements prescribed above, the nature and location of the mines to be served, and the methods of supplying and utilizing the water. All applications shall be accompanied

Maps.

by as many copies of such maps, drawings, and other data as may be prescribed or required by the state water commission, and such maps, drawings, and other data shall be considered as part of the application. If any permittee or licensee, or the heirs, successors, or assigns of any permittee or licensee, desire to change the point of diversion, or place of use, from the point of diversion, or place of use, specified in the original application, or after the granting of any permit or license, such change or changes may be made only upon the permission of the state water commission; *provided*, that, before granting such permission, such applicant must establish, to the satisfaction of the state water commission, and such commission must so find, that such change in the place of diversion, or place of use, will not operate to the injury of any other appropriator or legal user of such waters before permitting such change in the place of the diversion or place of use. Upon receipt of application for permission to make such change in the place of diversion, or place of use, the commission shall, by order, fix a time within which any person interested may appear in opposition to such application, and such applicant shall, if the commission so require, cause to be published at least once a week for four consecutive weeks, in a newspaper or newspapers of general circulation in the county in which is situated both the old and new points of diversion or place of use, a copy of said order. Proof of such publication shall be

Change of
point of
diversion.

by affidavit of the publisher of such newspaper. Should any objection be made to the change in point of diversion, or place of use, so applied for, the state water commission shall fix a time for the hearing of said application and of the objections thereto, which time shall be not less than thirty days nor more than sixty days after the period of said publication, and upon such hearing the said commission shall grant or refuse, as the facts shall warrant, such permission to change place of diversion or place of use.

CHAPTER 330.

An act to amend an act entitled "An act to provide for the periodical inspection of elevators operated in places of employment in this state: to require a permit for such operation; to make it a misdemeanor to operate such elevator without such permit; and to provide for an injunction against such operation if dangerous to the life or safety of employees, to vest in the industrial accident commission the power to make such inspections and determine the competency of inspectors and require reports of inspections and to issue such permits and prescribe maximum fees therefor," approved April 6, 1917, by amending sections one, three, four and five.

[Approved May 18, 1921. In effect July 20, 1921.]

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

SECTION 1. Section one of an act entitled "An act to provide for the periodical inspection of elevators operated in places of employment in this state: to require a permit for such operation; to make it a misdemeanor to operate such elevator without such permit; and to provide for an injunction against such operation if dangerous to the life or safety of employees; to vest in the industrial accident commission the power to make such inspections and determine the competency of inspectors and require reports of inspections and to issue such permits and prescribe maximum fees therefor," approved April 6, 1917, is amended to read as follows:

Section 1. No power elevator or hand power elevator, unless exempted in the following section, shall be operated in any place of employment in this state unless a permit, as hereinafter provided, for the operation thereof, shall have been issued by the industrial accident commission, and unless such permit shall remain in full force and effect, and posted conspicuously in the elevator car. The operation of such elevator by any person owning or having the custody, management or operation of such elevator without such permit shall constitute a misdemeanor, and each day of operation of such elevator without such permit shall constitute a separate

Stats 1917,
p. 84,
amended.

Permit to
operate
elevator.

offense; *provided*, that no prosecution shall be maintained where the issuance or renewal of such permit shall have been requested and shall remain unacted upon. Whenever any elevator in any place of employment is being operated without the permit herein required, and is in such condition that its use is dangerous to the life or safety of any employee, the industrial accident commission, a commissioner, or any person affected thereby may apply to the superior court of the county in which such elevator is located for an injunction restraining the operation of such elevator until such condition shall be corrected. Proof by certification of the said commission that such permit has not been issued, together with the affidavit of any safety inspector of the commission that the operation of such elevator is dangerous to the life or safety of any employee, shall be sufficient ground, in the discretion of the court, for the immediate granting of a temporary restraining order. No bond shall be required from the commission in such proceeding.

Injunction to restrain operation without permit.

Stats. 1917, p. 87, amended. Inspection of elevators.

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

SEC. 3. The industrial accident commission shall cause all power and hand-power elevators to be inspected not less frequently than once each year. If such elevators shall be found upon such inspection to be in a safe condition for operation, a permit shall be issued by said commission for their operation for not longer than one year, which shall be the permit referred to in section one. If such inspection shall show such elevator to be in an unsafe condition, the commission, or a commissioner, may issue a preliminary order requiring such repairs or alterations to be made to such elevator as may be necessary to render it safe, and may order the use of such elevator discontinued until such repairs or alterations are made or such unsafe conditions are removed. Unless such preliminary order be complied with, a hearing before the commission, a commissioner or referee of such commission shall be allowed, upon request, at which the owner, operator or other person in charge of such elevator shall have opportunity to appear and show cause why he should not comply with said order. If it shall thereafter appear to the commission that such elevator is unsafe and that the requirements contained in said preliminary order should be complied with, or that other things should be done to make such elevator safe, the commission may order or confirm the withholding of the permit to operate such elevator and may make such requirements as it deems proper for its repair or alteration or for the correction of such unsafe condition. Such order may thereafter be reheard by the commission or reviewed by the courts in the manner specified by the workmen's compensation, insurance and safety act of 1917 or reenactments thereof, for safety orders, and not otherwise. If the operation of such elevator during the making of repairs or alterations is not immediately dangerous to the safety of employees, the commission may, in

Order for repairs.

Operation during repairs.

its discretion, issue a temporary permit for the operation of such elevator for not to exceed thirty days during the making of such repairs or alterations. Nothing contained in this act shall be construed as a limitation upon the authority of the commission to prescribe or enforce general or special safety orders.

SEC. 3. Section four of said act is amended to read as follows: Stats. 1917,
p. 84,
amended.
Inspectors.

Sec. 4. The commission may, in its discretion, cause the inspection herein provided for to be made either by its safety inspectors or by any qualified elevator inspector employed by an insurance company, or may issue its permit, based upon a certificate of inspection issued by qualified elevator inspectors of any municipality, upon proof to its satisfaction that the safety requirements of such municipality are equal to the minimum safety requirements for elevators adopted by the commission; *provided*, that such persons making inspection shall first secure from the commission a certificate of competency to make such inspections. The commission is hereby vested with full power and authority to determine the competency of any applicant for such certificate, either by examination or by other satisfactory proof of qualifications. The commission may rescind at any time, upon good cause being shown therefor, and after hearing, if requested, any certificate of competency issued by it to an elevator inspector, or may at any time, upon good cause being shown therefor, and after notice and an opportunity to be heard, revoke any permit to operate any elevator. Certificate
of
competency.

SEC. 4. Section five of said act is amended to read as follows: Stats. 1917,
p. 86,
amended
Fees for
inspection.

Sec. 5. The commission may fix and collect such fees for the inspection of elevators as it may deem necessary; *provided*, that the charge for each inspection shall not exceed three dollars and fifty cents, and that no charge shall be made in any one year for more than one inspection; *provided, however*, that where the safety orders of the commission have not been complied with and subsequent inspections are necessary, an additional fee of three dollars and fifty cents may be charged, in the discretion of the commission, for not more than one subsequent inspection annually. Such fees must be paid before the issuance of any permit to operate such elevator. No fee shall be charged by the commission where an inspection has been made by an inspector of an insurance company or municipality if such inspector holds a certificate of competency and an inspection report is filed with the commission within the period prescribed in section six hereof. All fees collected by the commission under this act shall be paid into the accident prevention fund.

CHAPTER 331.

An act to amend section six hundred twenty-eight f of the Penal Code of the State of California, relating to the protection of fish and game.

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

Protection
of
abalone.

628f. Every person who, between the fifteenth day of January and the fifteenth day of March of the same year, both dates inclusive, takes, catches, kills or has in his possession any pink abalone (*Haliotis corrugata*), or any red abalone (*Haliotis rufescens*), or any black abalone (*Haliotis crackerodic*), or any green abalone (*Haliotis fulgens*) is guilty of a misdemeanor. Every person who at any time, takes, catches, kills or has in his possession any red abalone (*Haliotis rufescens*) the shell of which is less than seven inches in greatest diameter, or any green abalone (*Haliotis fulgens*) the shell of which is less than six and one-half inches in greatest diameter, or any pink abalone (*Haliotis corrugata*) the shell of which is less than six inches in greatest diameter, or any black abalone (*Haliotis crackerodic*) the shell of which is less than five inches in greatest diameter, or who by any means whatsoever, takes, or catches any abalone (*Haliotis*) and does not bring the same naturally attached to the shell and alive, to the shore above high water mark, or who takes, catches or kills any abalone (*Haliotis*) for other than food purposes, or who, at any time, dries any abalones (*Haliotis*), or who offers for shipment, or ships, or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any abalone meat or abalone shells, excepting articles manufactured from abalone shells; or who takes, catches, kills or has in his possession any abalone (*Haliotis*) taken, caught or killed with a spear shall be guilty of a misdemeanor. Every person who, in fish and game districts seventeen, nineteen, twenty and twenty a of this state, uses or assists in using any diving apparatus of any character for the taking or catching of any abalone (*Haliotis*), or who, in fish and game districts fifteen, sixteen, seventeen, nineteen, twenty and twenty a, takes, catches or kills or has in possession during any one calendar day more than ten abalone (*Haliotis*); or who, in fish and game district seventeen takes, catches, kills or has in possession more than twenty abalone in any one calendar week shall be guilty of a misdemeanor. Every person who in fish and game districts ten and eighteen in the waters lying between high water mark and a line twenty feet beyond extreme low tide line, takes more than ten abalones in any one calendar day or sells or

offers for sale any abalones so taken is guilty of a misdemeanor.

Every person who in fish and game districts ten or eighteen takes or has in possession for commercial purposes any red abalones whose shells measure less than eight inches in greatest diameter is guilty of a misdemeanor.

None of the provisions of this act shall apply to abalone or clams caught or taken without the waters of this state and bearing after inspection such evidence of having been so caught or taken as may be hereinafter prescribed by the fish and game commission; *provided, however*, that such clams and abalones must conform to the size limits as provided in the laws of this state, and must not be brought into this state or held in possession during the closed season for clams or abalones as provided in the laws of this state; *and provided, further*, that the expense of such inspection shall be determined by the fish and game commission and must be paid by the importer of such clams and abalones; *provided, however*, that no abalone may be taken for commercial purposes from the area lying between a line extending due west from Point Buchon and a line extending due west from the mouth of Pico creek, both in San Luis Obispo county.

Every person who gathers or takes in any manner or destroys or has in his possession any clam known as the Pismo clam (*Tivela stultorum*) whose shell shall measure less than four and three-quarter inches in greatest diameter, or who during any one calendar day, takes, gathers in any manner or has in his possession more than fifteen of said clams, or who, between the first day of May and the thirty-first day of August, both dates inclusive, of any year, takes, catches or gathers any clams in fish and game district seventeen is guilty of a misdemeanor.

Every person who takes, gathers in any manner or has in his possession, or who ships, offers for shipment, sells or offers for sale any cockles or little-neck clams (*Tapes staminea*) whose shell measures less than one and one-half inches in greatest diameter; every person who takes, catches or gathers in any manner any razor clam (*Siliqua patula*), except during a period of forty-eight hours beginning at the first low tide after the first high tide (large water) of the full moon of each month and for a period of forty-eight hours beginning at the first mean low tide after the first high tide (large water) of the new moon of each month, or who takes, catches or gathers in any way more than fifty of said razor clams (*Siliqua patula*) during any one calendar day is guilty of a misdemeanor.

Every person who during any one calendar day takes, gathers in any manner, or has in his possession, or who ships, offers for shipment, sells or offers for sale, more than ten clams of the species *Schizothærus nuttallii*, variously known as rubber-neck, big-neck, or great Washington clam, is guilty of a misdemeanor. Every person who during any one calendar day takes, gathers in any manner, more than ten black abalones

in fishing districts fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty a, and twenty-one is guilty of a misdemeanor.

Every person who takes, catches or kills or has in possession any clam or clams taken from fish and game districts eight or nine, between the first day of May and the thirty-first day of August of any year, both dates inclusive; or who at any time ships or offers for shipment or receives for shipment or transportation, to any place outside the limits of fish and game district one, any clam or clams of any species taken in fish and game districts seven, eight or nine, is guilty of a misdemeanor.

Every person violating any of the provisions of this section upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had not less than ten days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section must be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 332.

An act to amend an act entitled "An act to regulate the construction, operation and maintenance of elevators in buildings during the course of construction and providing for the inspection of same by the bureau of labor statistics, and providing for a penalty for violation thereof" (chapter two hundred seventy-five, laws 1913), approved June 7, 1913, by amending sections two and three thereof.

[Approved May 18, 1921. In effect July 29, 1921.]

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

Stats. 1913,
p. 507,
amended.

SECTION 1. Section two of an act entitled "An act to regulate the construction, operation and maintenance of elevators in buildings during the course of construction; providing for inspection of same by the bureau of labor statistics; and providing for a penalty for violation thereof," approved June 7, 1913, is amended to read as follows:

Signals and
persons to
give them.

Sec. 2. Every hoist hereafter used in buildings during the course of construction shall have a system of signals for the purpose of signaling the person operating or controlling the machinery which may operate or control the hoist. And it shall be the duty of the person in charge of such building to appoint one or more persons to give such signals, such person to be selected from those most familiar with the work for which said hoist is being used. The signaling devices provided shall be protected against unauthorized or accidental operation. The industrial accident commission shall within six

months after this act takes effect, make and enter its general safety order or orders in the manner prescribed by law, and may from time to time thereafter amend such orders in the manner prescribed by law, for the making of general safety orders specifying and fixing the nature and method of signals and signaling devices and uniform signals to be used in this state under the provisions of this act. Until such general safety order or orders are so adopted, such signals and signaling devices shall be governed by safety order number one thousand one hundred fifteen of the general construction safety orders of the industrial accident commission as in effect at the time of the passage of this act.

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

Sec. 3. It shall be the duty of the industrial accident commission to inspect all hoists coming within the definition contained in section one of the act herein amended. If any part of the construction or system of signals used on a hoist is defective or may endanger the lives of the men working in immediate vicinity of said hoist, the industrial accident commission shall direct the person in charge thereof to remedy such defect, and such hoist shall not be used again until the order of the commission shall have been complied with.

Stats. 1913,
p. 507,
amended.
Inspection
of hoists.

CHAPTER 333.

An act to amend an act entitled "An act to regulate certain scaffolding or staging for the protection of workmen; requiring that in addition to the duties imposed by any law upon employers using or directing or permitting the use of scaffolding or staging swung or suspended from an overhead support such employers shall be subject to the provisions of this act; fixing penalties for a violation hereof to be the same as provided in section four hundred two c of the Penal Code; and providing for the enforcement of this act by the commissioner of the bureau of labor statistics" (chapter forty-eight, laws 1913), approved April 22, 1913.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one of an act entitled "An act to regulate certain scaffolding or staging for the protection of workmen; requiring that in addition to the duties imposed by any law upon employers using or directing or permitting the use of scaffolding or staging swung or suspended from an overhead support such employers shall be subject to the provisions of this act; fixing penalties for a violation hereof to be the same as provided in section four hundred two c of the Penal Code;

Stats. 1913,
p. 48,
amended.

and providing for the enforcement of this act by the commissioner of the bureau of labor statistics" (approved April 22, 1913), is hereby amended to read as follows:

Safety
rail on
scaffolding.

Section 1. All scaffolding or staging swung or suspended from an overhead support which is more than ten feet from the ground or floor, shall have a safety rail of wood, or other equally rigid material of sufficient strength. Such rail shall be properly secured and braced; such rail to rise at least forty-two inches above the floor or floors or main portions of such scaffolding or staging, and to extend along the entire length of the outside and ends thereof, and properly attached thereto; and such a scaffolding or staging shall be fastened so as to prevent the same from swaying from the building or structure, or place of work where such scaffolding or staging is being used. Any and all parts of such scaffolding or staging shall be of sufficient strength to support, bear or withstand with safety, any weight of persons, tools, appliances or materials that may be placed thereupon or that are to be supported thereby while such scaffolding or staging is being used for any of the purposes thereof. The industrial accident commission of the State of California is hereby authorized to make and enforce safety orders in the manner prescribed by law, to supplement and carry into effect the purposes and provisions of this act.

Stats. 1913,
p. 50,
amended.

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

Enforcement

Sec. 4. It shall be the duty of the industrial accident commission to enforce the provisions of this act.

CHAPTER 334.

An act to amend an act entitled "An act to amend an act entitled 'An act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling bricks, rivets, etc.,' approved March 6, 1909, and to make the act apply to buildings more than two stories high in the course of construction," approved April 26, 1911, by amending sections one, two, three, four and five of said act, and repealing sections six and seven thereof.

[Approved May 18, 1921. In effect July 20, 1921.]

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

Stats. 1911,
p. 1112,
amended.

SECTION 1. Section one of an act entitled "An act to amend an act entitled 'An act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of work-

men employed in such buildings from falling through joists or girders, and from falling bricks, rivets, etc., approved March 6, 1909,' and to make the act apply to buildings more than two stories high in the course of construction," approved April 26, 1911, is amended to read as follows:

Section 1. Any building more than two stories high in the course of construction shall have the joists, beams or girders of floors below the floor or level where any work is being done, or about to be done, covered with flooring laid close together, or with such other suitable material as will protect workmen engaged in such building from falling through joists or girders, and from falling planks, bricks, rivets, tools, or any other substance, whereby life and limb are endangered, as follows:

(a) Any such building which is of reinforced concrete construction, with reinforced concrete floors, shall have the floor filled in either with forms or concrete on each floor before the commencement of work upon the walls of the second floor above, or the commencement of work upon the floor of the next floor above. Any building having wooden floors, other than a steel frame building, shall have the underflooring, if double flooring is to be used, laid on each floor within the time hereinabove described for reinforced concrete floors. Where single wooden floors are to be used, each floor shall be planked over within the time hereinbefore prescribed.

(b) If such building has a structural frame of iron or steel, the entire floor of every second story, except such spaces as may reasonably be required for the proper construction of such building, shall be thoroughly covered with planks tightly laid together, so that workmen shall have at all times planked floors within two stories below them.

(c) If a span of a floor exceeds thirteen (13) feet, an intermediate beam shall be used to support the temporary flooring; provided, however, that spans not to exceed sixteen (16) feet may be covered by three (3) inch planks without such beam. Such intermediate beam shall be of a sufficient strength to sustain a live load of fifty (50) pounds per square foot of the area supported.

(d) If the distance between planked floors in any building or structure exceeds twenty-five (25) feet, intermediate flooring or safety nets shall be provided which shall be fixed not to exceed twenty-five (25) feet below a floor upon which work is being performed and as close to such floor as practicable.

(e) The erection gang shall at all times have a planked floor below them not more than two stories distant.

(f) The riveting gang and steel painters shall at all times have a planked floor below them not more than two stories distant. Men working below riveting gangs shall at all times be protected from falling objects by having a planked floor between them and the riveting gangs.

(g) If building operations are suspended and the temporary flooring, hereinbefore required, is removed, upon the resumption of work, in case of such suspension, the building

Temporary
floors to
protect
workmen.

Reinforced
concrete
construction.

Structural
frame.

Spans to
support
flooring.

If distance
between
floors
exceeds
25 feet.

must be replanked so that every man at work shall have a covered floor not more than two floors below.

Construction
in sections.
Stats. 1911,
p. 1113,
amended.

(h) Where a building is being constructed in sections each section shall constitute a building for the purpose of this act.

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

Distance
between
erection and
riveting
gangs.

Sec. 2. Where such building has a structural frame of iron or steel, and the iron or steel columns are spliced at every story, the erection gang shall in no case be more than two stories distant from the riveting gang. If the columns are spliced every second or third story, the erection gang shall in no case be more than four stories distant from the riveting gang.

Stats 1911,
p 1113,
amended.
Floors.

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

Sec. 3. Planked floors shall consist of planks tightly laid together of number one common lumber, not less than two inches thick and eight inches wide, free from protruding nails or other objects. Nets shall consist of at least one and one-half inch manila rope with three-quarter inch borders, and four by four inch mesh. The borders of the nets shall be provided with loops so that they can be readily combined or attached to convenient points on the structural frame.

Nets.

Stats. 1911,
p 1113,
amended.
Penalty.

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

Sec. 4. No owner, agent of the owner, general contractor, contractor, subcontractor, or other person shall proceed with any work assigned to or undertaken by him, or require or permit any other person to proceed with work assigned to or undertaken by either, unless the planking or nets required by this act are in place. Violation of this section shall constitute a misdemeanor.

Stats. 1911,
p. 1113,
amended.
Enforce-
ment.

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

Sec. 5. It shall be the duty of the industrial accident commission to enforce the provisions of this act.

Repealed.

SEC. 6. Sections six and seven of said act are hereby repealed.

CHAPTER 335.

An act authorizing suits against the State of California concerning real property purchased under the provisions of an act entitled "An act to survey and dispose of certain salt marsh and tidclands belonging to the State of California," approved March 30, 1868, and of an act entitled "An act supplementary to and amendatory of an act entitled "An act to survey and dispose of certain salt marsh and tide-lands belonging to the State of California," approved March 30, 1868," approved April 1, 1870, and of an act entitled "An act supplementary to and amendatory of an act sup-

plementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868; also, an act approved April 1, 1870," approved March 30, 1874.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. In all cases where the State of California has sold any salt marsh and tidelands under the provisions of the following named acts or of any of them, to wit: "An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California," approved March 30, 1868, and an act entitled "An act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868." approved April 1, 1870, and an act entitled "An act supplementary to and amendatory of an act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868; also, an act approved April 1, 1870," approved March 30, 1874, to any person or persons and the person or persons purchasing said lands has paid all of the installments required to be paid by him or them on the purchase price thereof prior to the enactment of an act entitled "An act to abolish the state board of tideland commissioners, and to repeal sections three hundred sixty-five and six hundred ninety-eight of the Political Code." approved February 4, 1876, and where no deed was ever executed and delivered to such purchaser or purchasers conveying to him or them the lands so purchased, or where such deed, if delivered, has been lost by such purchaser or purchasers or has never been recorded, the person or persons so purchasing said lands, or his or their successor or successors in interest, is and are hereby authorized to bring suit against the State of California in any court of said state of competent jurisdiction to quiet title to said land, or to any portion thereof, and to prosecute the same to final judgment. The rules of practice in civil cases relating to suits to quiet title shall apply to such suits as may be brought under this authorization, except as herein otherwise provided. If judgment be given against the state in any such suit, no costs can be recovered from the state thereunder.

Suits
against
state
authorized
to quiet
title to
marsh and
tidelands.

SEC. 2. The complaint filed in any suit brought under the provisions of this act shall contain a statement of the time, place and conditions of sale of the lands concerning which title is sought to be quieted, together with a statement of all moneys paid under the terms of said sale and the date of such payments.

Complaint.

Time for
commencing.

SEC. 3. Any such suits to quiet title shall be commenced within one year after this act takes effect.

Service of
summons

SEC. 4. Service of summons in such suits shall be made on the governor and surveyor general. It shall be the duty of the attorney general to represent the state in all such suits.

CHAPTER 336.

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

[Approved May 18, 1921. In effect July 20, 1921.]

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

Bonds of
school
districts and
high school
districts
validated.

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

Levy of
taxes.

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

Bonds
excepted.

SEC. 3. This act shall not operate to legalize any bonds which have been sold for less than par, nor to legalize any bonds the issuance of which has not received the assent of

two-thirds of the qualified electors of such district, voting at an election held for the purpose of determining whether such indebtedness should be incurred, nor to legalize any bonds which mature at a date more than forty years from the time of their issuance.

CHAPTER 337.

An act confirming and validating the change of boundaries of school districts and high school districts.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. Where the board of supervisors of any county have purported to change the boundary of any school district of any kind or class or of any high school district of any kind or class, and where such action was taken at least one year prior to the taking effect of this act and where since such action was taken any school tax purporting to be for school purposes of such school district or high school district has been levied in any such district or high school district, then all acts and proceedings for such change of boundaries are hereby legalized, validated and declared to be sufficient.

Change in
boundaries
of school
districts
validated.

CHAPTER 338.

An act confirming and validating the organization of school districts.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. Where the board of supervisors of any county have purported to establish a school district of any kind or class situated within such county and such district has acted as a school district for a period of one year previous to the taking effect of this act, all acts and proceedings taken for the purpose of creating such district are hereby legalized, validated and declared to be sufficient, and such school district is hereby declared to be duly incorporated and as such school district under its appropriate name shall have all the rights and privileges and be subject to all of the duties and obligations of a duly incorporated school district.

Organiza-
tion of
school
districts
validated.

CHAPTER 339.

An act to amend section twenty-one of an act entitled, "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 15, 1915," approved May 28, 1917, approved July 22, 1919, as amended.

[Approved May 18, 1921. In effect July 29, 1921.]

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

Stats. 1917,
p. 1054,
amended.

SECTION 1. Section twenty-one of the act entitled, "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled, "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 15, 1915," approved May 28, 1917, approved July 22, 1919, as amended, is hereby amended to read as follows:

District
three "D."

Sec. 21. Fish and game district three "D" shall consist of and include all lands lying within the county of Ventura within the following boundaries: Beginning at the summit of Ortega hill in township six north, twenty-three west, S. B. M.; thence northerly following down Cherry Creek along the Cuyama trail to the Sespe river; thence up the Sespe river and Adobe Springs canyon along the Cuyama trail to the summit of Pine mountain; thence along the summit of the divide north of the Sespe river to McDonald peak in township six north, nineteen west, S. B. M.; thence southerly along the summit of the divide east of the Sespe river to the south boundary of the Santa Barbara national forest on the south line of township five north, nineteen west, T. B. M.; thence due west to the summit of the divide between Santa Paula creek and the Sespe river; thence westerly along the summit of the divide south of the Sespe river to the summit of Ortega hill, the point of beginning.

CHAPTER 340.

An act to amend section five of an act entitled "An act to conserve the fish supply in California by empowering the fish and game commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which

the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act." approved May 25, 1919.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. Section five of the act entitled "An act to conserve the fish supply in California by empowering the fish and game commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act." approved May 25, 1919, is hereby amended to read as follows:

State 1919,
p. 1204,
amended.

Sec. 5. No person, firm or corporation engaged in the business of taking or catching food fish or other fishery food products shall take or catch or kill more fish or other fishery products than the boat or boats owned or operated by said person, firm or corporation can handle and deliver to the fresh fish dealer in a condition fit for human consumption, or to a canner, packer or preserver of fish in a condition fit to be canned or packed or preserved for human consumption, and no person, firm or corporation engaged in the business of canning or packing or preserving fish or fishery food products shall receive or accept or agree to receive or accept more food fish or fishery food products than said canning, packing or preserving plant can pack or preserve fit for human consumption.

Canneries
not to take
more fish
than can be
handled.

It shall be unlawful for any person, firm or corporation to buy or sell or receive or use any kind or species of fish fit for human consumption for reduction purposes except fish offal; *provided*, that any person, firm or corporation engaged in taking, catching or dealing in fresh fish or fishery products for human consumption or any person, firm or corporation engaged in the business of canning, packing or preserving fish for human consumption desiring to sell or deliver or use in a reduction plant any fish fit for human consumption shall file an application in writing with the fish and game commission setting forth the kind or species and quantity of fish to be

Fish for
reduction
purposes

Fish for
reduction
purposes.

sold, delivered or used in a reduction plant. Upon said application being filed said commission shall fix a time and place for taking testimony upon said application, which shall not be more than twenty days from the date of filing said application with said fish and game commission. A notice of said application with a notice of the time and place of hearing shall be served on the applicant, and published in a newspaper in the county in which said application is made; if no paper is published in the county then in an adjoining county at least five days before said hearing. At such time and place designated in said notice testimony under oath shall be taken by any member of the board of fish and game commissioners or any assistant or employee designated by them who shall have power to administer oaths, take affidavits and issue subpoenas for the attendance of witnesses.

Each witness at the hearing shall be allowed for his appearance the same fees and mileage allowed by law to a witness in a civil case and the amount shall be paid, together with the costs of advertising by the party making such application. If after hearing evidence upon said application it shall appear that there is no market for the fish referred to in said application and that the taking or using of said fish in a reduction plant will not tend to impair or deplete said species of fish an order may be made by the board of fish and game commissioners granting the privilege to take, catch or kill and deliver to or use in a reduction plant during a calendar month an amount of said fish not to exceed twenty-five per cent of the amount any such applicant, person, firm or corporation can can or pack or preserve for human food during a calendar month. Said order shall not be granted for a period longer than a seasonal run of said kind or species of fish mentioned in said order.

CHAPTER 341.

An act to amend title twenty-one of part four of division first of an act entitled "An act to establish a Civil Code," approved March 21, 1872, relating to nonprofit cooperative agricultural, viticultural and horticultural associations by amending sections six hundred fifty-three m, six hundred fifty-three n, six hundred fifty-three p, six hundred fifty-three q, six hundred fifty-three s and by adding three new sections to be numbered section six hundred fifty-three sa, section six hundred fifty-three sb and section six hundred fifty-three sc.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. Title twenty-one of part four of division first of an act entitled "An act to establish a Civil Code," approved March 21, 1872, is hereby amended to read as follows:

653m. Three or more persons engaged in the production, preserving, drying, packing, shipping, manufacturing, preparing for market, or marketing of agricultural, viticultural, or horticultural products, or all of them, may form a non-profit cooperative association under the provisions of this title, to carry on said business, and such association shall have, and may exercise, the powers authorized by this title, and the powers necessarily incidental thereto and all other powers granted to private corporations by the laws of this state, except such powers as are inconsistent with those granted by this title. Nonprofit cooperative associations.

653n. Such association shall not issue capital stock, but shall issue membership certificates to each member. Its business shall not be carried on for profit. Any person or any number of persons, in addition to the original incorporators, may become members of such association, upon such terms and conditions as to membership and subject to such rules and regulations as to their, and each of their, contract, and other rights and liabilities between it and the member, as the said association shall provide in its by-laws. Membership certificate.

The association shall issue a certificate of membership to each member, but the said membership, or the said certificate thereof, shall not be assigned by a member to any other person, nor shall the assigns thereof be entitled to membership in the association, or to any property rights or interest therein. Nor shall a purchaser at execution sale, or any other person who may succeed, by operation of law or otherwise to the property interests of a member, be entitled to membership, or become a member of the association by virtue of such transfer. The board of directors may, however, by motion duly adopted by it, consent to such assignment or transfer and to the acceptance of the assignee or transferee as a member of the association, but the association shall have the right, by its by-laws, to provide for or against the transfer of membership and for or against the assignment of membership certificates, and also the terms and conditions upon which any such transfer or assignment shall be allowed.

653o. Articles of incorporation. Each association formed under this title must prepare and file articles of incorporation setting forth: Articles of incorporation.

1. The name of the association.
2. The purpose for which it is formed.
3. The place where its principal business will be transacted.
4. The term for which it is to exist, not exceeding fifty years.
5. The number of directors thereof, which must not be less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected, and shall have accepted office.
6. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal the articles shall set forth a general rule or rules

applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed, but the association shall have power to admit new members who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule. This provision of the articles of incorporation shall not be altered, amended or repealed except by the unanimous written consent or the vote of all of the members.

7. Said articles must be subscribed by the original members and acknowledged by one of them before an officer authorized by the law of this state, to take and certify acknowledgments of deeds of conveyance, and shall be filed in accordance with the provisions of section two hundred ninety-six of this code, and when so filed the said articles of incorporation or certified copies thereof shall be received in all the courts of this state, and other places as prima facie evidence of the facts contained therein.

By-laws.

653p. Each association incorporated under this title must, within thirty days after its incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this title. A majority vote or the written assent of members representing a majority of the votes, is necessary to adopt such by-laws. The provisions of section three hundred three and three hundred four of this code, which are not inconsistent with the provisions of this title, shall apply to the by-laws of the corporations provided for in this title. Each association may also, by its by-laws adopted, as aforesaid, provide for the following matters:

1. The manner of removal of any one or more of its directors and for filling any and all vacancies in the board of directors.

2. The number of directors and the number of members or votes thereof constituting a quorum.

3. The conditions upon which and the time when membership of any member in the association shall cease; the mode, manner and effect of expulsion of a member, subject to the right of the expelled member to have the board of directors equitably appraise his property interests in the association and to fix the amount thereof in money, and to have the money paid to him within sixty days after such expulsion.

4. The amount of membership fee, if any, and the amount which each member shall be required to pay annually, or from time to time if at all, to carry on the business of the association, and also the compensation, if any, to be paid by each member for any services rendered by the association to him, and the time of payment and the manner of collecting the same, and for forfeiture of the interest of the member in the association for nonpayment of the same.

5. The number and qualifications of members of the association and the conditions precedent to membership and the

method, time and manner of permitting members to withdraw, and providing for the assignment and transfer of the interest of members and the manner of determining the value of such interest and providing for the purchase of such interest by the association upon the death, withdrawal, or expulsion of a member or upon the forfeiture of his membership, at the option of the association.

6. Permitting members to vote by their proxies, and determining the conditions, manner, form and effect thereof.

653q. Each association incorporated under this title shall have the powers granted by the provisions of this code and other laws of California relating to private corporations, and shall also have the following powers:

1. To appoint such agents and officers as its business may require, and such appointed agents may be either persons or corporations; to admit persons to membership in the association, and to expel any member pursuant to the provisions of its by-laws; to forfeit the membership of any member for violation of any agreement between him and the association, or for his violation of its by-laws.

2. To purchase or otherwise acquire, hold, own, sell, and otherwise dispose of any and every kind or kinds of real and personal property, including stock in other corporations, necessary or convenient in the carrying on of its business; to borrow money; to mortgage or pledge any property, real or personal, owned or held by such association; to secure any contracts made by it, or any bonds, debentures, promissory notes, or other obligations by it issued or incurred or guaranteed; and to acquire by purchase or otherwise the interest of any member in the property of the association.

3. Upon the written assent or by a vote of members representing two-thirds of the total votes of all members to cooperate with any other cooperative association or associations for the cooperative and more economical carrying on of their respective business, by consolidation as provided in section six hundred fifty-three of this code, whereupon the effect of such consolidation shall be the same as declared in said section; or upon resolution, adopted by its board of directors, to enter into all necessary and proper contracts and agreements, and to make all necessary and proper stipulations and arrangements with any other cooperative association or associations for the cooperative and more economical carrying on of its business, or any part or parts thereof; or any two or more cooperative associations organized under this title, upon resolutions, adopted by their respective board of directors, may, for the purpose of more economically carrying on their respective businesses, by agreement between them, unite in employing and using, or several associations may separately employ and use, the same methods, means and agencies, for carrying on and conducting their respective businesses.

4. Any association formed, existing or consolidated under this title may be dissolved and its affairs wound up

voluntarily by the written request of members, representing two-thirds of the total votes, in the manner and with the effect provided in section six hundred fifty-three *j* of this code, except that the moneys remaining after liquidation shall be divided among the members in proportion to their property interests therein.

Amendment
of articles
of incor-
poration.

653^r. Any corporation, whether stock or membership, heretofore incorporated under the laws of this state for the purpose of engaging in and carrying on the business specified in section six hundred fifty-three *m* of this title, the stockholders or members of which would be entitled to incorporate under the provision of this title, may, by the unanimous written assent or vote of all the stockholders or members, amend its articles of incorporation to conform to the provision of this title in the manner and with the effect provided in section three hundred sixty-two of the Civil Code, and from the time of filing the amended articles, such corporation shall have the same powers as if it had originally incorporated under the provisions of this title; *provided, however*, that the debts, obligations, and other liabilities against such corporation or against the members or the stockholders thereof, existing at the time of such amendment, shall not be discharged or their collection or enforcement otherwise impaired; *and provided further*, that the respective property interests of the several stockholders by virtue of their ownership of shares of stock therein, or the several members by virtue of their membership therein, and also the voting power of each of them, shall be determined and fixed by the amended articles of incorporation in accordance with the provisions of subdivision six of section six hundred fifty-three *o*, but which rights shall be subject to the right of the association to admit new members.

Proceedings
to determine
right to do
business.

653^s. The right of an association claiming to be organized and incorporated and carrying on its business under this title, to do and continue its business may be inquired into by quo warranto proceedings at the suit of the attorney general, but not otherwise.

If unequal
voting
power.

653^{sa}. In the event the articles of incorporation shall provide for unequal voting power, the provisions of law with reference to a majority, a two-thirds, or other vote of the members shall not apply, and in lieu thereof there shall be substituted a majority or two-thirds of the votes of the interests represented by the several members, or otherwise, as the case may be.

Powers.

653^{sb}. Nothing in this title shall be deemed to prohibit any cooperative association formed or existing hereunder from having and exercising the same powers in carrying out its purposes as are enjoyed or exercised by corporations which issue capital stock.

Profits.

Any association formed or existing under this title shall conduct and carry on its business without profit to itself: it may, however, conduct its business for the profit of its members; it may use or employ any of its facilities for any pur-

pose except the handling for others, not members, of products similar to the products handled for its members; *provided*, the proceeds arising from such use and employment shall go to reduce the cost of operation for its members.

SEC. 2. This act shall take effect and be in force ninety days from and after its passage.

653*sc*. No corporation now or hereafter incorporated under this title shall sell, or offer for sale, negotiate for the sale of, or take subscriptions for any security of its own issue until it shall have first applied for and secured from the commissioner of corporations a permit authorizing it so to do and complied with all the terms and conditions of chapter 532, statutes 1917; as amended, chapter 148, statutes 1919 known as the corporate securities act. All the provisions of said corporate securities act are hereby made applicable to and binding upon corporations incorporated under this title. Authority to sell securities.

CHAPTER 342.

An act to amend title twenty-two of part four of division first of an act entitled "An act to establish a Civil Code," approved March 21, 1872, relating to nonprofit cooperative corporations by amending sections six hundred fifty-three u, six hundred fifty-three v, six hundred fifty-three w, six hundred fifty-three x, six hundred fifty-three z, six hundred fifty-three zb and adding a new section to be numbered six hundred fifty-three zc and adding a new section to be numbered six hundred fifty-three zd.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. Title twenty-two of part four of division first of an act entitled "An act to establish a Civil Code," approved March 21, 1872, is hereby amended to read as follows:

Sec. 653*t*. Nonprofit cooperative corporations may be formed by the voluntary association of any three or more persons in the manner prescribed in this title. A majority of such persons must be residents of this state, and such corporations shall have and may exercise the powers authorized by this title, and the powers necessarily incident thereto, and also all other powers granted to private corporations by the laws of this state, excepting such powers as are inconsistent with those granted by this title. Nonprofit cooperative associations.

Sec. 653*u*. Such corporation shall not issue capital stock, but shall issue a membership certificate to each member. Its business shall not be carried on for profit. Any person or any number of persons including and in addition to the original incorporators, may become members of such corporation. Membership certificates.

upon such terms and conditions as to the membership, and subject to such rules and regulations as to their, and each of their, contract and other rights and liabilities between it and the member, as the said corporation shall prescribe in its by-laws. The corporation shall issue a certificate of membership to each member, but the said membership, or the said certificate thereof, shall not, except as herein provided, be assigned by any member to any other person, nor shall the assigns thereof be entitled to membership in the corporation, or to any property rights or interest therein, nor shall a purchaser at execution sale, or any other person who may succeed, by operation of law or otherwise, to the property interests of the member, be entitled to membership, or become a member of the corporation by virtue of such transfer. The board of directors may, however, by motion duly adopted by it, consent to such assignment or transfer, and to the acceptance of the assignee or transferee as a member of the corporation. The corporation shall also have the right, by its by-laws, to provide for or against the transfer of membership and for or against the assignment of membership certificates, and also the terms and conditions upon which any such transfer or assignment shall be allowed.

Articles of
Incorporation.

Sec. 653v. Each corporation formed under this title must prepare and file articles of incorporation in writing setting forth:

1. The name of the corporation.
2. The purpose for which it is formed.
3. The place where its principal business will be transacted.
4. The term for which it is to exist, not exceeding fifty years.
5. The number of directors thereof, which must not be less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors have been elected, and shall have accepted office.
6. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal the articles shall set forth a general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed, but the corporation shall have power to admit new members who shall be entitled to vote and to share in the property of the corporation with the old members, in accordance with such general rule. This provision of the articles of incorporation shall not be altered, amended or repealed except by the unanimous written consent or the vote of all of the members.
7. Said articles of incorporation shall be subscribed by three or more of the original members, a majority of whom must be residents of this state, and acknowledged by each before some officer authorized to take and certify acknowledgments of conveyances of real property, and shall be filed

in all respects in accordance with the provisions of section two hundred ninety-six of this code, and thereupon the secretary of state shall issue to the corporation, over the great seal of the state, a certificate that a copy of the articles containing the required statement of facts has been filed in his office, and thereupon the person signing the articles and their associates and successors shall be a body politic and corporate by the name stated in the certificate. When so filed, the said articles of incorporation or certified copies thereof shall be received in all the courts of this state, and other places, as prima facie evidence of the facts contained therein.

Sec. 653w. Each corporation incorporated under this title must, within one month after filing articles of incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this title. A majority vote or the written assent of members representing a majority of the votes is necessary to adopt such by-laws. The provisions of section three hundred three and three hundred four of this code, which are not inconsistent with the provisions of this title, shall apply to the by-laws of the corporation provided for in this title. Each corporation organized hereunder may also, by its by-laws adopted as aforesaid, provide for the following matters:

1. The manner of removal of any one or more of its directors and of filling any and all vacancies in the board of directors.

2. The conditions upon which and the time when membership of any member in the corporation shall cease; the mode, manner and effect of expulsion of a member, subject to the right of the expelled member to have the board of directors equitably appraise his property interests in the corporation and to fix the amount thereof in money, and to have the money paid to him within sixty days after such expulsion.

3. The amount of membership fee, if any, and the amount which each member shall be required to pay annually, or from time to time, if at all, to carry on the business of the corporation, and also the compensation, if any, to be paid by each member for any services rendered by the corporation to him, and the time of payment and the manner of collecting the same, and may provide for forfeiture of the interest of the member in the corporation for non-payment of the same.

4. The number and qualifications of members of the corporation and the conditions precedent to membership and the method, time and manner of permitting members to withdraw, and providing for the assignment and transfer of the interest of members, and the manner of determining the value of such interest and providing for the purchase of such interest by the corporation upon the death, withdrawal or expulsion of a member or upon the forfeiture of his membership, at the option of the corporation.

Sec. 653x. Powers of Corporation. Each corporation incorporated under this title shall have the powers granted

Powers.

by the provisions of this code and other laws of California, relating to private corporations, which are not inconsistent with those granted by this title, and shall also have the following powers:

1. To appoint such agents and officers as its business may require, and such appointed agents may be either persons or corporations; to admit persons and corporations to membership in the corporation, and to expel any member pursuant to the provisions of its by-laws; to forfeit the membership of any member for violation of any agreement between him and the corporation or for his violation of its by-laws.

2. To purchase, lease or otherwise acquire, hold, own and enjoy, to sell, lease, mortgage and otherwise encumber and dispose of any and all and every kind or kinds of real and personal property, including stock in other corporations, also to carry on any and all operations necessary or convenient in connection with the transaction of any of its business; to borrow money; to mortgage or pledge any property real or personal, owned or held by such corporation; to secure any contracts made by it, or any bonds, debentures, promissory notes, or other obligations by it issued or incurred or guaranteed; and to acquire by purchase or otherwise, the interest of any member in the property of the corporation.

Consolidation.

3. Upon the written assent of two-thirds of all the members or by a vote of members representing two-thirds of the total votes of all members of each of two or more such nonprofit cooperative corporations to cooperate with each other for the more economical carrying on of their respective businesses by consolidation as provided in section six hundred fifty-three *i* of this code, such consolidation shall be effected, and thereupon the effect of such consolidation shall be the same as declared in said section. Any such corporation upon resolution, adopted by its board of directors, shall have the power to enter into contracts and agreements, and to make stipulations and agreements with any other corporation or corporations, for the cooperative and more economical carrying on of its business, or any part or parts thereof; or any two or more cooperative corporations organized under this title, upon resolutions adopted by their respective boards of directors, may, for the purpose of more economically carrying on their respective businesses, by agreement, unite in adopting, employing and using, or several such corporations may separately adopt, employ and use the same methods, policy, means, agents, and agencies for carrying on and conducting their respective businesses.

4. Any corporation formed, existing or consolidated under this title may be dissolved, and its affairs wound up voluntarily by the written consent of members representing two-thirds of the total votes, in the manner and with the effect provided in section six hundred fifty-three *j* of this code, except that any property remaining after liquidation shall be divided

among the members in proportion to their respective property interests therein.

Sec. 653y. Any such corporation may amend its articles of incorporation in any manner not inconsistent with the provisions of this title, in the manner provided for by section three hundred sixty-two of the Civil Code of this state. Amendment of articles.

Sec. 653z. The right of a corporation claiming to be organized and incorporated and carrying on its business under this title, to do and continue its business, may be inquired into by quo warranto proceeding at the suit of the attorney general, but not otherwise. Proceedings to determine right to do business.

Sec. 653za. This title is not applicable to railroads, telegraph, telephone, banking, insurance, building and loan, or any other corporation, unless the special provisions of this code applicable thereto are complied with. Railroads, etc., excepted.

Sec. 653zb. Voting. In the event the articles of incorporation shall provide for unequal voting power, the provisions of law with reference to a majority, a two-thirds, or other vote of the members shall not apply, and in lieu thereof, there shall be substituted a majority or two-thirds of the votes of the interests represented by the several members, or otherwise, as the case may be. Voting.

Sec. 653zc. Nothing in this title shall be deemed to prohibit any cooperative corporation formed or existing hereunder from having and exercising the same powers in carrying out its purposes as are enjoyed or exercised by corporations which issue capital stock. Powers.

Any corporation formed or existing under this title shall conduct and carry on its business without profit to itself; it may, however, conduct its business for the profit of its members; it may use or employ any of its facilities for any purpose except the handling for others, not members, of products similar to the products handled for its members, provided the proceeds arising from such use and employment shall go to reduce the cost of operation for its members. Profits.

Sec. 653zd. No corporation now or hereafter incorporated under this title shall sell, or offer for sale, negotiate for the sale of, or take subscriptions for any security of its own issue until it shall have first applied for and secured from the commissioner of corporations a permit authorizing it so to do and complied with all the terms and conditions of chapter 532, statutes 1917; as amended, chapter 148, statutes 1919 known as the corporate securities act. All the provisions of said corporate securities act are hereby made applicable to and binding upon corporations incorporated under this title. Authority to sell securities.

SEC. 2. This act shall take effect and be in force ninety days from and after its passage.

CHAPTER 343.

An act to provide for leasing kelp beds in the waters of the State of California by the board of fish and game commissioners.

[Approved May 18, 1921. In effect July 29, 1921.]

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

Leasing of
kelp beds.

SECTION 1. The board of fish and game commissioners are hereby authorized to lease to any person, firm or corporation the exclusive privilege to take, cut and harvest kelp in any bed or beds not to exceed twenty-five square miles in area.

Application
for lease.

SEC. 2. Any person, firm or corporation desiring to lease the exclusive privilege of taking, cutting and harvesting kelp shall make application to the board of fish and game commissioners in writing, designating the particular bed or beds or part thereof from which said person, firm or corporation desires to take, cut and harvest kelp.

Notice of
application.

SEC. 3. Upon said application being filed said board of fish and game commissioners shall cause to be published in a newspaper in the county in which said bed or beds or part thereof are located, or if no newspaper is published in the county, then in a newspaper published in the adjoining county, at least once a week for four successive weeks, that an application has been made to the fish and game commission for the exclusive privilege of taking, cutting and harvesting kelp, giving the description of said bed or beds or parts thereof, described in said application and asking for bids for such privilege, which shall be filed with said board of fish and game commissioners within ten days after the last publication. Said bid or bids shall be accompanied by a payment of ten per cent of the amount bid for said privilege and said notice shall state the day on which said bids shall be opened. Any or all of said bids may be rejected.

Bids.

Expenses of
advertising.

SEC. 4. Any person, firm or corporation making application to lease the exclusive privilege of taking, cutting and harvesting kelp upon filing said application shall pay to said fish and game commissioners the sum of fifty dollars to cover the expenses of advertising for said bids and said expenses shall be paid by the person, firm or corporation to whom such privilege is awarded and if the applicant is not the successful bidder, then said sum so advanced shall be returned to such person, firm or corporation advancing the same.

Term of
privilege.

SEC. 5. Said exclusive privilege shall be granted for a period not exceeding two years, and said board of fish and game commissioners are hereby authorized to execute said lease.

Recording
notice of
privilege.

SEC. 6. When an exclusive privilege to take, cut and harvest kelp as provided herein has been granted any person, firm or corporation, a notice signed by the board of fish and

game commissioners shall be filed in the recorder's office of the county in which said kelp bid or bids or part thereof are located, setting forth the name of the person, firm or corporation having such privilege, the description of said kelp bid or bids or part thereof and the time for which such privilege has been granted and said recorder is hereby authorized to file and record the same.

[ED. NOTE.—The words "bid" and "bids" occurring in section six are as enacted by the legislature.]

SEC. 7. The sum bid for such privilege by any person, firm or corporation shall be for a period of one year and said sum so bid shall be paid annually in advance. Annual payments.

SEC. 8. All moneys received for the leasing privilege of taking, cutting and harvesting kelp shall be paid into the state treasury to the credit of the fish and game preservation fund. Payment of moneys.

CHAPTER 344.

An act declaring bonds negotiable instruments.

[Approved May 18, 1921. In effect July 20, 1921.]

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

SECTION 1. Bonds payable to bearer or holder shall be negotiable, notwithstanding any condition contained therein or in the mortgage, deed of trust or other instrument securing the same. Bonds negotiable instruments.

CHAPTER 345.

An act to amend an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of the plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 21, 1911, as amended by an act approved May 27, 1913, and as further amended by an act approved June 9, 1915, and as further amended by an act approved May 27, 1919, by amending section thirty-three thereof, the said amendment relating to the applica-

tion of compensation to be made to any reclamation district, levee district, drainage district, municipal corporation, association, private corporation or person.

[Approved May 18, 1921. In effect July 29, 1921.]

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

Stats. 1919,
p. 1129,
amended.

SECTION 1. Section thirty-three of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended by an act approved May 27, 1913, and as further amended by an act approved June 9, 1915, and as further amended by an act approved May 27, 1919, is hereby amended so as to read as follows:

Application
of compen-
sation.

Sec. 33. Any compensation that may be made to any reclamation district, levee district, drainage district, municipal corporation, association, private corporation, or person, in accordance with section eighteen of this act, shall be applied toward the payment of any assessment upon any tract of land assessed for any particular portion or project owned by any such municipal corporation, association, private corporation, or person, but in case of any reclamation district, levee district or drainage district, such compensation shall be applied and credited pro rata toward the payment of the balance remaining unpaid upon the assessments levied by the reclamation board against the lands respectively situated within such reclamation district, levee district or drainage district, as part of the assessment out of which such compensation is to be made, based upon the total amount of the assessment charges against the lands in such reclamation district, levee district or drainage district, respectively, and if such compensation, when so applied, shall exceed the total amount of such credits upon the assessments upon the lands in such district, the excess shall be paid to the district itself; *provided*, that whenever any reclamation district, levee district, or drainage district shall have warrants outstanding, or shall have a bond issue outstanding, or both, such compensation shall be made and paid directly to such district, and in such event, or events, such compensation must, by said district, be applied and paid as hereinafter provided, and not otherwise. Such compensation, or the proceeds thereof, when received by any reclamation district, shall be paid or delivered by the board of trustees

thereof to the county treasurer having the custody of the funds of the district, who shall place such compensation in the fund of such district out of which warrants are payable, and when such compensation shall be received by any levee district, or drainage district, the same shall be paid or delivered by the governing body thereof to the officer having the custody of the funds who shall place the same into the proper funds of such district. Any reclamation district, levee district, or drainage district, to which such compensation shall be made, must apply the same, or the proceeds thereof, to the payment of warrants of such district then outstanding. If any reclamation district, levee district, or drainage district, shall have a bond issue outstanding, the board of trustees of such district shall direct the county treasurer, or officer having the custody of the funds of said district to apply the residue of such compensation, if any residue there be, after the payment of all outstanding warrants, as above required, to the payment of interest on such bonds, or the principal of such bonds, or both, and the county treasurer, or other officer having the custody of the funds of such district shall comply with such direction, and shall transfer to the proper fund the necessary amount therefor. The county treasurer shall transfer sufficient funds from the general fund of the district to the bond and interest fund for that purpose. Any district, association or corporation may act through a majority of its trustees or other governing body.

CHAPTER 346.

An act to amend section six hundred twenty-eight of the Penal Code, relating to the protection of shrimp, spiny lobster and crab.

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

628. (a) Every person who dries any shrimp or shrimps caught or taken in the waters of this state other than unmarketable shrimps caught or taken in fish and game district thirteen, shall be guilty of a misdemeanor. Every person who, between the first day of March and the fourteenth day of October inclusive of any year, takes, catches, kills, has in possession, buys, sells, or offers for sale any spiny lobster (*Panulirus interruptus*), or who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any spiny lobster (*Panulirus interruptus*), of less than ten and one-half inches or more than sixteen inches in length, measured from one extremity to the other and exclusive of legs, claws or

Protection
of shrimp,
spiny lobster
and crab.

Protection
of shrimp,
spiny lobster
and crab.

feclers, shall be guilty of a misdemeanor. Every person who, at any time, takes, catches, kills, has in his possession, buys, sells, or offers for sale any crab (*Cancer magister*), of less than seven inches in breadth, measured straight across the back from point to point, or any female crab (*Cancer magister*), or who, between the thirty-first day of July and the fourteenth day of November, inclusive, of any year, takes, catches, kills, has in possession, buys, sells or offers for sale any crab (*Cancer magister*), shall be guilty of a misdemeanor: *provided*, that crabs from without the state may be imported into the state for sale at any time; *provided*, such crabs are duly inspected and tagged according to the rules and regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be borne by the person or persons importing such crabs. Any person who shall at any time, pickle, can, or otherwise preserve any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall at any time sell any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) meat not in the shell of any such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall bring to shore any part or portion of any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) without the remaining portions of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) in such condition that the size of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) can not be measured, shall be guilty of a misdemeanor.

(b) Every person who ships or offers for shipment or transportation any species of crab taken in fish and game districts five, six, seven, seven a, eight and nine, is guilty of a misdemeanor.

(c) None of the provisions of this act shall apply to spiny lobster caught or taken without the waters of this state, when said spiny lobsters are caught in waters lying south for a distance of ten miles from the international boundary line between the United States and Mexico, extended westerly in the Pacific ocean, and bearing after inspection such evidence of having been so caught or taken as may be hereafter prescribed by the fish and game commission; *and be it provided*, that all the expenses of such inspection shall be borne by the importer of such spiny lobster; *and be it provided, further*, that all spiny lobster imported into this state shall be of the size prescribed in this section.

CHAPTER 347.

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

[Approved May 18, 1921. In effect July 29, 1921.]

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

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

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

Protection
of bass,
perch, sun-
fish, etc.

Nothing in this section shall prohibit the taking of black bass at any time in any lake exceeding seventy-five square miles in area within the boundaries of fish and game district number two, or prohibit the possession within the boundaries of fish and game district number two, of black bass taken in such lake or lakes.

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

Nothing in this section, or elsewhere in this code, shall prohibit the state fish and game commission, or persons authorized by it, from taking at all times such fish as they may deem necessary for scientific purposes, or for purposes of propagation.

CHAPTER 348.

An act to add a new section to the Political Code, to be numbered four thousand forty-one f, providing for homes and meeting places for veterans and associations of veterans.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand forty-one f, and to read as follows:

Homes and
meeting
places for
veterans.

4041f. Any county may provide and maintain (1) a home or homes for veteran soldiers, sailors and marines who have served the United States honorably in any of its wars; (2) buildings, memorial halls, or meeting places for the use of patriotic, fraternal and benevolent associations of such persons. For these purposes the board of supervisors of any county shall have jurisdiction and power:

(a) To purchase, receive by donation, take by condemnation, lease or otherwise acquire, real or personal property necessary for such building or buildings, and to improve, preserve, take care of, manage and control the same.

(b) To purchase, construct or lease, build or rebuild, furnish or refurnish, or repair any and all such buildings, and to provide all necessary custodians, employees, attendants and supplies for the proper maintenance of the same.

(c) To levy in any year a special tax not to exceed three mills on the one dollar of assessed valuation on all the taxable property in the county, such tax to be in addition to all other taxes provided for and the fund so created to be expended for the purposes hereof.

(d) To establish a fund or funds for the purposes hereof, and to transfer from the general fund to such fund or funds, from time to time, such moneys as the board may deem necessary.

(e) To incur, in the manner provided by law, a bonded indebtedness on behalf of the county for any of the purposes hereof.

CHAPTER 349.

An act to amend section three thousand eight hundred ninety-eight of the Political Code and to add two new sections thereto to be numbered three thousand eight hundred ninety-seven a and three thousand eight hundred ninety-eight a,

relating to the sale of lands purchased by the state for delinquent taxes and making the proceeds thereof available for vocational education of dependents of veterans.

[Approved May 18, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered three thousand eight hundred ninety-seven *a* and to read as follows:

3897a. When, in his opinion, it would be for the best interest of the state to sell any or all parcels of the tax deeded lands of any county, it shall be the duty of the controller to provide for listing and a classification of any or all such lands and direct the tax collector, with the consent of the board of supervisors, to proceed to arrange for the sale as provided for in the preceding section. The notice shall be given by posting or publication as required by section three thousand eight hundred ninety-seven of this code. All expenses of the sale are to become a charge against the property to be sold and no redemption can be made under section three thousand eight hundred seventeen of this code without including also that proportional cost of the sale resting upon the certain lot or parcel to be redeemed. In any case in which no sale is made, the cost thereof shall be charged and paid out of the receipts from the sale, the state and county to bear each its proportional share to be determined by the ratio the state rate bears to the city or county rate of taxation.

Sale of
land
purchased
by state.

SEC. 2. Section three thousand eight hundred ninety-eight of said code is hereby amended to read as follows:

3898. 1. The moneys received from such sale shall be distributed as follows: The tax collector shall deduct the penalties, costs and other amounts received as expenses of such sale in such cases as the property so sold shall have been sold for a sum not less than the amount of all taxes levied thereon and all interest, costs, penalties and expenses up to the date of such sale, but where the property so sold shall have been sold for a sum less than said amount, the tax collector shall deduct only the amounts received as expenses attending such sale, and the balance shall be distributed between the state and the county, or city and county, in the proportion that the state rate bears to the county, or city and county, rate of taxation; said tax collector shall pay all amounts into the county treasury, and the treasurer shall account to the state for its portion in the settlement required by section three thousand eight hundred sixty-five and section three thousand eight hundred sixty-six. The state's portion from such sales shall be paid into the state treasury to the credit of the tax land fund, which fund is hereby created.

Distribution
of moneys.

2. On receiving the amount bid, as prescribed in the preceding section, the tax collector must execute a deed to the pur-

Deed.

chaser, which deed shall be in substance and may be in form as follows:

"This indenture, made the ____ day of _____, 19____, between _____, tax collector of the county of _____, State of California, first party, and _____ of the county of _____, State of _____, second party, witnesseth:

That whereas the real property hereinafter described was duly sold and conveyed to the State of California for the non-payment of taxes which had been legally levied and which were a lien upon said property under and in accordance with law; and

Whereas in conformity with law the State of California, acting by and through _____, tax collector as aforesaid, did offer said property, hereinafter described, for sale at public auction to the highest bidder, at which sale said second party became the purchaser of the whole thereof for the sum of \$_____.

Now, therefore, the said first party in consideration of the premises and in pursuance of the statute in such case made and provided, does hereby grant to the said second party, his heirs and assigns, that certain real property hereinbefore referred to, and situate in the _____ county of _____, State of California, more particularly described as follows, to wit:

* * * * *

In witness whereof, said first party has hereunto set his hand the day and year first above written.

Tax collector of the county of _____."

No other matters need be recited in the said deed than those provided for in the above form. No charge shall be made by the tax collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the county clerk free of charge. Said deed shall be prima facie evidence of all the facts recited therein and shall operate to convey all of the interest of the state in and to said property.

3. Within ten days after each sale as provided in the preceding section the tax collector shall report to the assessor and recorder, giving the name or names of all persons to whom deeds have been issued under the provisions of this section, together with the dates of such deeds, the amount for which the property was sold, a description of the property conveyed, together with the numbers and dates of the certificates of sale and of the tax deeds by which title to such property so granted was conveyed to the state.

4. The recorder shall note on the margin of each certificate of sale and of each tax deed involved in the sale and transfer of such property, the name of the purchaser, the date of the deed to the purchaser and the consideration named therein.

The assessor shall use such report in his determination of the ownership of such property for assessment purposes.

5. (a) Whenever in any action at law, it has been or shall be determined by a court that the sale and conveyance provided for in this and the preceding section or in section three thousand seven hundred seventy-one of this code heretofore or hereafter made are void for any reason, and that the purchaser from the state may not be finally awarded the property so purchased, no decree of the court shall be given declaring a forfeiture of the property until the former owner, or other party in interest, shall have repaid to the purchaser the full amount of taxes, penalties and costs paid out and expended by him, to be determined by the court, in pursuit of the state's title to the property so sold. The said purchaser may within one year after such decree becomes final also present a claim against the county, in the manner provided by law, for a refund of the amount paid into the county treasury as the purchase price of such property in excess of the amount for which he may have been reimbursed for taxes, penalties and costs as herein provided, and such excess shall be refunded in accordance with section three thousand eight hundred four of this code.

(b) Whenever it shall be determined to the satisfaction of the board of supervisors of the county in which the land is situated that any land belonging to the United States government or to this state, a municipality or other political subdivision of this state has been erroneously sold and conveyed under the provisions of this or the preceding section, or section three thousand seven hundred seventy-one of this code, and the said land should not have been so sold, the purchaser at said sale may present a claim against the county in the manner provided by law for a refund of the amount so paid into the county treasury by reason of such sale.

SEC. 3. A new section is hereby added to the Political Code to be numbered three thousand eight hundred ninety-eight *a*, and to read as follows:

3898*a*. (1) In the state treasury there is hereby created a fund to be known as the "veterans' dependents' education fund." At the end of each fiscal year any balance remaining unencumbered in the tax land fund shall be transferred to the veterans' dependents' education fund, and all moneys that may be in the latter fund from time to time are hereby appropriated, without reference to fiscal years, to be expended in accordance with law by the veterans' welfare board in providing instruction, educational counsel, textbooks, quarters and other assistance for dependents of veterans.

Veterans'
dependents'
education
fund.

(2) The word "veteran" as herein used shall be as defined in the California veterans' welfare act as adopted at the forty-fourth session of the legislature.

The term "dependent of a veteran" as herein used shall be construed to mean a child, widow, parent, brother or sister of a veteran who died or who was killed in active service, or

"Dependent
of a
veteran."

who died as the result of such service. Said term also means and includes the wife, child, parent, brother or sister of any veteran classified by the United States war risk insurance bureau as being totally and permanently disabled.

The benefits hereof are limited to dependents of veterans who are without means to adequately support or educate themselves.

(3) A dependent of a veteran who desires to continue his education may apply to the veterans' welfare board, and if in the opinion of the board the educational needs of the applicant can be satisfactorily met in educational institutions in this state the board shall assume state wardship over the education of the applicant. The board shall have the power within its discretion to provide educational counsel for applicants, and where necessary to assist them in securing admission to suitable institutions of learning; *provided*, that private tuition schools shall be chosen only when suitable opportunity is not available in public or semipublic institutions.

The board shall also, within its discretion, and in so far as the fund may permit, have power to provide: For the payment of transportation charges once each year from the home of the student to and from the institution of learning; for the payment of tuition and other fees if there be such; for the purchase of necessary books and supplies; for the monthly payment of an allowance to cover all or a part of the living expenses of the student in an amount which shall not exceed fifty dollars per month for each month during which the student is in actual attendance upon a day school, absence during the month on account of illness to be included as a part of such attendance.

The amount expended on account of any one applicant under the provisions of this section shall not exceed one thousand dollars.

The board shall consider such applications in the order in which they are received; however, should the funds available be insufficient to meet the obligations, should it assume wardship over all worthy applicants, the board shall assume wardship over such applicants as are most urgently in need of further education.

CHAPTER 350.

An act to amend section ten of the Political Code, relating to holidays.

[Approved May 19, 1921. In effect July 20, 1921.]

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

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

10. Holidays within the meaning of this code, are every ^{Holidays.} Sunday, the first day of January, twelfth day of February, to be known as Lincoln day, twenty-second day of February, thirtieth day of May, fourth day of July, ninth day of September, first Monday in September, twelfth day of October, to be known as "Columbus day," twenty-fifth day of December, eleventh day of November, known as "Armistice day," every day on which an election is held throughout the state, except a general primary election, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday. ^{"Armistice day."}

If the first day of January, twelfth day of February, twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October, the twenty-fifth day of December or eleventh day of November falls upon a Sunday, the Monday following is a holiday.

Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances or charters provide that public offices shall be closed on holidays; this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoon; *and provided, further,* that the public schools of this state shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the ninth day of September, the twenty-fifth day of December, and on every day appointed by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. Said public schools shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

All public offices of the state and all state institutions, including the state university and all public schools in the state shall be closed on the ninth day of September of each year, known as "Admission day."

CHAPTER 351.

An act to amend section thirty-two of the "water commission act," approved June 16, 1913, relating to fees to be paid upon submission of proof of appropriation of water.

[Approved May 19, 1921. In effect July 29, 1921.]

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

Stats. 1917,
p. 234,
amended.

SECTION 1. Section thirty-two of the "water commission act," approved June 16, 1913, is hereby amended so as to read as follows:

Fees
collected
from
claimants.

Sec. 32. At the time of submission of proof of appropriation, the state water commission shall collect from such claimants, on the basis of the statements in the proofs, a fee of five (5) dollars for each cubic foot per second claimed for any purpose; the minimum fee, however, for any claimant to be five (5) dollars. For all purposes of this section three hundred fifty acre feet of water claimed for storage shall be deemed the equivalent of one cubic foot per second. As soon as practicable after the expiration of the period fixed in which proofs may be filed, the state water commission shall compute the cost of surveys, maps, reports and gathering of data and should the aggregate cost thereof exceed the total amount received from claimants with their submission of proofs, the excess shall be apportioned among the claimants in proportion to water claimed by them. Notice of the assessment of said additional charges shall be sent by registered mail to each claimant, such notice to include a statement of the total sum assessed and of the sum assessed to claimant addressed. All assessments remaining unpaid sixty days after the mailing of said notice shall bear interest at the rate of seven per cent per annum from the end of said sixty day period, and all assessments remaining unpaid at the time of entry of decree as provided in section thirty-six c of this act shall be taxed as costs against the delinquent claimants and collected in the manner provided by law for the collection of judgments. All fees charged and collected under this section shall be paid, at least once each month, accompanied by a detailed statement thereof, into the cash revolving fund of the state water commission in the state treasury.

CHAPTER 352.

An act to amend section two thousand three hundred twenty-two b of the Political Code, relating to horticulture.

[Approved May 19, 1921. In effect July 20, 1921.]

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

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

2322b. Said county horticultural commissioner shall have power to divide the county into districts, and to appoint a local inspector, to hold office at the pleasure of the county horticultural commissioner, for each of the said districts, and may, with the consent and approval of the board of supervisors, appoint one or more deputy horticultural commissioners, who must at the time of their appointment hold certificates of eligibility to the office of county horticultural commissioner from the director of agriculture as hereinbefore provided. Such deputy or deputies shall hold office at the pleasure of the county horticultural commissioner.

Deputy
horticultural
commis-
sioners.

The county horticultural commissioner shall in his county perform all the duties delegated to a quarantine guardian in an act entitled "An act to provide for the protection of horticulture and to prevent the introduction into this state of insects or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, providing for a quarantine for the enforcement of this act, making a violation of the terms of the act a misdemeanor, and providing the penalty therefor; providing that said act shall be an urgency measure and go into effect immediately, and repealing that certain act entitled 'An act for the protection of horticulture and to prevent the introduction into this state of insects, or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, and to provide for a quarantine for the enforcement of this act,' approved March 11, 1899," approved January 2, 1912, and amendments thereto, and he shall enforce the provisions of said act under the supervision and direction of the director of agriculture.

Duties of
county
horticultural
commis-
sioner.

The director of agriculture shall have supervision and control over the county horticultural commissioners in the various counties of the state in the performance of their duties pertaining to the standardization of fruits, vegetables, and other plant products, and in the prevention of the illegal introduction into the state, or dissemination within the state, of plant diseases, noxious weeds and insects and other animal pests, and said county horticultural commissioners shall carry out their respective duties in such matters under the direction of the director of agriculture. The refusal by any county horticultural commissioner to carry out the orders and directions of

Control by
director of
agriculture.

the director of agriculture in reference to such matters shall be deemed neglect of duty. The said quarantine guardians, local inspectors, deputies or the said county horticultural commissioner, have full authority to enter into any orchard, nursery, place or places where trees or plants or fruit are kept and offered for sale or otherwise, or any house, storeroom, sales-room, depot, or any other such place in their jurisdiction, to inspect the same, or any part thereof.

CHAPTER 353.

An act authorizing the conveyance to the county of Los Angeles of a right of way for a county road over land owned by the State of California near Castaic station, Los Angeles county, California.

[Approved May 10, 1921. In effect July 20, 1921.]

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

Right of way
over state
land
granted to
Los Angeles
county.

SECTION 1. The grant and conveyance by the State of California to the county of Los Angeles, a legal subdivision of the State of California, of the right of way and incidents thereto for a county road over and across the following described lands and premises, lying and being in the county of Los Angeles, State of California, and more particularly described as follows, to wit: A strip of land fifty feet wide, being that portion of the rancho San Francisco, as shown on map recorded in book 1, pages 521 and 522, of patents, records of Los Angeles county, conveyed to the State of California by a deed recorded in book 6418, page 120, of deeds, records of said county, which lies twenty-five feet each side of the following described center line: Beginning at the intersection of the center line of the Castaic canyon road, conveyed to the county of Los Angeles by a deed recorded in book 4230, page 1, of deeds, records of said county, with the northeasterly prolongation of the center line of the Saugus and Ventura road, conveyed to the county of Los Angeles by a deed recorded in book 6027, page 288, of deeds, records of said county; thence northeasterly along the northeasterly prolongation of the center line of said Saugus and Ventura road, a distance of 153.28 feet to the beginning of a curve concave to the southeast, having a radius of 300 feet and tangent to said last mentioned line; thence northeasterly along said curve, a distance of 214.17 feet to the center line of that certain highway conveyed to the State of California by a deed recorded in book 6055, page 286, of deeds, records of said county: is hereby authorized and approved; and the governor of the State of California for and on behalf and in the name of the State of California is hereby empowered and directed to execute, acknowledge and deliver a good and sufficient deed granting and conveying to said county of Los Angeles said right of way, hereinbefore more particularly described.

CHAPTER 354.

An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses and hotels, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings in incorporated towns, incorporated cities and incorporated cities and counties, and the maintenance, use and occupancy of the premises and land on which such tenement houses, hotels and dwellings are erected or located, and to provide for its enforcement, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses, and the maintenance, use and occupancy of the premises and land on which tenement houses are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, statutes of California of 1909, page 918, approved April 10, 1911, statutes of California of 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737, and approved May 29, 1915, statutes of California, page 952, and all acts amendatory thereof," and approved May 31, 1917, statutes of California of 1917, page 1473; and repealing an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, statutes of California of 1913, page 1429," and approved May 31, 1917, statutes of California of 1917, page 1422; and repealing an act entitled "An act to regulate the construc-

tion, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings, and the maintenance, use and occupancy of the premises and land on which dwellings are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof," and approved May 31, 1917, statutes of California of 1917, page 1461.

[Approved May 19, 1921. In effect September 1, 1921.]

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

Title. SECTION 1. This act shall be known as the "state housing act" and its provisions which relate in any manner whatsoever to "tenement houses" and "hotels" shall apply to all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and its provisions which relate to "dwellings" shall apply to all incorporated towns, incorporated cities, and incorporated cities and counties in the State of California.

Enforcement
in cities.

SEC. 2. It shall be the duty of the health department of every incorporated town, incorporated city, and incorporated city and county to enforce all the provisions of this act; *provided, however*, that every incorporated town, incorporated city and incorporated city and county in the State of California shall have and are hereby given authority to designate and charge by ordinance or otherwise any other department, officer or person than the health department with the enforcement of this act or any portion thereof; *provided*, that the health department of every incorporated town, incorporated city, and incorporated city and county shall always have supervision over and shall enforce the provisions of this act relating to sanitation, ventilation and health in all buildings not in course of actual erection, construction, alteration or moving, and shall issue the "permit of occupancy" as hereinafter provided. In the event that an incorporated town, incorporated city or incorporated city and county has designated or does designate and charge another and different department, officer or person than the health department to enforce the provisions of this act or any of them which by the provisions of this act may be transferred to the control of another department, officer or person than the health department all powers and duties not so transferred shall be and remain in the health department.

If no health
department.

In the event that there is no health department or no building department in an incorporated town, incorporated city or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city or

incorporated city and county to enforce all of the provisions of this act.

In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings, or of the maintenance, sanitation, occupancy and ventilation of buildings, or of the police, fire or health regulations in said county, to enforce all of the provisions of this act outside of the limits of any incorporated town or incorporated city. Enforcement in counties.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, alteration or arrangement of tenement houses, hotels and dwellings in all incorporated towns, incorporated cities and incorporated cities and counties, and counties in the State of California, whenever said commission finds or discovers a violation or violations of the provisions of this act and notifies the local department or officer, or departments or officers who are charged with the enforcement of the provisions of this act, in writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; *provided, however,* that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instance specified in said written notice. Enforcement by commission of immigration and housing.

SEC. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor, occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause, permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any building or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any building or any portion thereof, or any of the premises, yards or courts which are a part thereof, or which are required by the provisions of this act: or to do or cause to be done, or to use or cause to be used, any privy, sewer, cesspool, plumbing or house drainage affecting the sanitary condition of any building or any portion thereof, or of the premises thereof, contrary to any of the provisions of this act. Unlawful construction.

SEC. 4. It shall be unlawful for any person to make any alterations or changes, or reconstruction work of any kind whatsoever, to any existing building or to increase the height of any building or the percentage of the lot occupied, or in any manner to diminish the size of the yards, courts or shafts or the size of windows or skylights, or to remove any stairway Unlawful alterations.

or fire escape, or to obstruct the egress from such building or from the hallways or stairways, or to do anything that would affect the ventilation and sanitation of the building, contrary to any of the provisions of this act.

Converted
building.

SEC. 5. A building not erected for use as a tenement house, hotel or dwelling, if hereafter converted to or altered for such use, shall thereupon become subject to all of the provisions of this act affecting a tenement house, hotel or dwelling, as the case may be, hereafter erected; except where elsewhere in this act specific exemption is made.

Building
moved.

A building erected for use as a tenement house, hotel or dwelling at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting such a building hereafter erected, in so far as such provisions pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, and yards.

Reconstruc-
tion of
damaged
building.

It shall be unlawful to reconstruct any building which is hereafter damaged by fire or the elements to an extent in excess of sixty (60) per cent of its physical proportions, unless the said building is made to conform to all of the provisions of this act affecting buildings hereafter erected.

Penalties

SEC. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment, and in addition to the penalty therefor, shall be liable for all costs, expense and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employee or contractor of same, in the prosecution of such violation. The costs, expense and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of buildings or premises unlawfully occupied, or for the abatement of a nuisance in connection with a building or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Building
permit.

SEC. 7. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, or alteration of a building or to move or to build upon a building or any portion thereof for use as a tenement house, hotel or dwelling, without first obtaining a permit in writing so to do from the department charged with the enforcement of this act. Any person, firm or corporation

Application.

desiring a permit to erect, construct, reconstruct, convert or alter a building or to build upon or move a building shall file an application therefor with the department charged with the enforcement of this act. The said application shall give

a detailed statement in writing of the erection, construction, reconstruction, moving, conversion or alteration, as the case may be, upon blanks or forms to be furnished by the said department. Except as otherwise hereinafter provided, in the case of a tenement house or hotel the said application must be verified by affidavit made under oath by the person that makes such application and the application must be accompanied with a full, true and complete set of the plans of the building, alteration, or work proposed, as the case may be, together with a set of specifications describing the materials proposed to enter into the erection, construction or alteration of the building or proposed work, also a plan of the lot on which such building is proposed to be erected, constructed, reconstructed, converted, altered, or moved, as the case may be, and such lot plan shall clearly indicate or show an outline of any existing building or structure thereon. Such statement shall give in full the name and address by street and number of the owner or owners, also the name and address of the architect and of the contractor, if there be such an architect or contractor. The affidavit to the said application shall allege that the plans and specification and statements contained therein are true and correct; and if any person other than the owner makes such affidavit, such person must allege in the affidavit that he is authorized and empowered by the said owner to act for him and to sign the required affidavit.

The department charged with the enforcement of this act shall cause all plans, specifications and statements filed to be examined and if it appears that they conform to the provisions of this act, shall issue a permit to the person submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved by it; *provided*, that all changes when so made shall be in conformity with the provisions of this act. Said department shall have the power to revoke or cancel any permit or approval that it has previously issued in case of any refusal, failure or neglect of the persons to whom such permit or approval has been issued to comply with any of the provisions of this act, or in case any false statement or misrepresentation is made in any of the said plans, specifications or statements submitted or filed for such permit or approval. The erection, construction, reconstruction, moving, alteration or conversion of any such building shall be made in accordance with the plans, specifications and statements submitted or filed and upon which the permit is issued. A true copy of the plans, specifications and other information submitted or filed, upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon, shall be kept upon the premises of the building or work for which the said permit is issued, from the commencement of the said building or work

to the final completion of same, and shall be subject to inspection at all times by proper authorities.

The department charged with the enforcement of this act may, at its discretion, issue a permit in case of nominal alteration or repairs, when application is made therefor, in writing, by the owner or his agent, when the making of said nominal alterations and repairs does not affect any structural feature or the sanitation or the ventilation of the tenement house or hotel, as the case may be, without requiring the filing of plans or specifications.

The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section shall not be deemed or construed to be a permit or an approval of the violation of any of the provisions of this act.

Every permit or approval which is issued by the department charged with the enforcement of this act, but under which no work has been done within ninety days from the date of issuance, or where work has been suspended for a period of ninety days, shall expire by limitation and a new permit shall be obtained before the work may be done.

If work is not done in ninety days.

"Certificate of final completion" and "permit of occupancy."

SEC. 8. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to occupy or to permit to be occupied any tenement house or hotel hereafter erected, constructed, reconstructed, altered, converted or moved, as the case may be, or any portion thereof, for human habitation until the issuance of a "certificate of final completion" and a "permit of occupancy" by the department or departments charged with the enforcement of this act.

Any person desiring a certificate of completion shall file a written application therefor with the department charged with the enforcement of this act. The said department shall cause an inspection to be made of the tenement house or hotel or portion thereof, or work described in the said written application, within ten days after the written application is filed, and shall issue a "certificate of final completion" if it is found that all the provisions of this act, regulating the erection, construction, alteration or moving, as the case may be, have been complied with.

The department charged with the enforcement of this act and designated to issue the permit of occupancy shall issue the said "permit of occupancy" upon application, in writing, therefor by the owner or his agent, and upon the filing by the owner or his agent of the "certificate of final completion."

All permits and certificates shall be made in duplicate and a copy shall remain on file in the department issuing them.

Tenement house and hotel.

In every incorporated town, incorporated city, and incorporated city and county, every owner or lessee of every tenement house occupied by five or more families or hotel shall obtain a permit of occupancy each calendar year from the department designated by this act to issue permits of occupancy which permit of occupancy shall run for one year from

the date of its issuance. Such permit of occupancy shall not issue unless such tenement house or hotel conforms to the provisions of this act regarding sanitation. No annual permit of occupancy shall be required for any tenement house occupied or intended or designed to be occupied by less than five families, but such tenement house must obtain the original permit of occupancy upon completion. Every permit of occupancy so issued shall be displayed in some conspicuous place in the building so as to be readily seen by the authorized representatives of any department charged with the enforcement of this act.

Any tenement house or hotel which is occupied, or any portion thereof which is occupied for human habitation, prior to a "certificate of final completion" or a "permit of occupancy" being issued, shall be deemed a nuisance, and the department or departments charged with the enforcement of this act may cause it to be vacated until the said certificate of completion and permit of occupancy have been obtained in accordance with the provisions of this act.

SEC. 9. The department or departments charged with the enforcement of this act in any incorporated town, incorporated city, incorporated city and county, or county, and the authorized officers, agents or employees of such department or departments, may, whenever necessary, enter buildings or portions thereof, or the premises thereof, within the corporate limits of such towns, cities, cities and counties, or counties, for the purpose of inspecting such buildings, in order to secure compliance with the provisions of this act and to prevent violations thereof.

The members of the commission of immigration and housing of California and the agents, officers or employees of said commission may, whenever necessary, enter buildings or portions thereof, or the premises thereof, for the purpose of inspecting such buildings in order to secure compliance with the provisions of this act and to prevent violations thereof.

The owner or his authorized agent may, whenever necessary, enter buildings or portions thereof, or the premises thereof, owned by him, to carry out any instructions or to perform any work required to be done by the provisions of this act.

Provided, however, that the authority to enter buildings, as in this section given to the persons hereinbefore enumerated, shall not be construed or deemed to apply to the entering of any dwelling between the hours of six o'clock p.m. of any day and six o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of such dwelling; but in no event shall the authority in this section given be construed as permitting any of the persons hereinbefore enumerated to enter any such dwelling in the absence of the occupants thereof without a proper written order, duly executed by a competent court authorized to issue such orders.

SEC. 10. For the purpose of this act, certain words and phrases are defined as follows, unless it shall be apparent from

their context that they have a different meaning. Words used in the singular include the plural, and the plural the singular. Words used in the present tense include the future. Words used in the masculine gender include the feminine, and the feminine, the masculine. Words "building department," "housing department," "health department," "department charged with the enforcement of this act," "fire commissioner," shall be construed as if followed by the words, "of the incorporated town, incorporated city, incorporated city and county, or county," as the case may be, in which the building is situated or proposed to be situated.

"Apartment"

"Apartment" is a room or suite of rooms which is occupied or is intended or designed to be occupied by one family for living and sleeping purposes in a tenement house or dwelling.

"Approved."

"Approved" means whatever material, appliance, appurtenance, or other matter meets the requirements and approval of the department charged with the enforcement of this act, or which conforms to the requirements of, and bears the approval of the "national board of fire underwriters" or the "underwriters' laboratories;" *provided, however*, that no such material, appliance, appurtenance, or other matter shall be deemed "approved" for use where, or in such a manner as would be inconsistent with the intent, or specific provisions of this act and for this purpose any department, officer or commission, charged with the enforcement of this act, or authorized to enforce the provisions of this act, as set forth in section two hereof, may cause to be tested or demand that any such material, appliance or appurtenance be tested to its satisfaction that the said material, appliance or appurtenance, and its or their use fulfills requirements that are consistent with the intent and specific provisions of this act to be "approved."

"Basement."

"Basement" in a tenement house or hotel is any story or portion thereof partly below the level of the curb or the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the curb level or actual adjoining ground levels. If the adjoining ground is excavated to or below the curb level, or to or below the adjoining natural ground level, such excavated space shall have not less than the minimum width and length required in this act for outer courts.

"Building."

"Building" is a tenement house, hotel or dwelling as the case may be or a combination of any two or more such buildings.

"Building department."

"Building department" means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, board of public works, or any other officer or department charged with the enforcement of ordinances and laws regulating the erection, construction and alteration of buildings or structures.

"Cellar."

"Cellar" in a tenement house or hotel is any story or portion thereof, the ceiling of which in any part is less than seven feet above the curb level and actual adjoining ground levels and which is not a basement as defined in this act.

“Court” is an open, unoccupied space other than a yard ^{“Court.”} on the lot on which a building is erected or situated. A court, one entire side or end of which is bounded by a front yard, a rear yard or a side yard, or by the front of lot, or by a street or a public alley, is an “outer court.” Every court which is not an “outer court” is an “inner court.”

Every court shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are windows from rooms or apartments abutting the said court and served by the said court, except that a cornice, belt course or similar projection on the building may extend into an “outer court” two inches for each one foot in width of such court, and may extend into an “inner court” one inch for each one foot in width of such court; *and provided, further,* that a cornice or similar projection may extend any distance desired into a court provided the minimum unobstructed width of the court is maintained.

“Curb level” is the curb level opposite the center of the ^{“Curb level.”} “front of lot,” and if a curb level has not been established it means the average ground level at the “front of lot.”

Wherever the word “department” is used it means the ^{“Department.”} building department, the housing department, the health department or such other department or officer or commission, or departments or officers, who are charged with the enforcement of the provisions of this act.

“Dormitory” is a room in which more than two persons ^{“Dormitory.”} are “guests” and are not living together, and shall, for the purpose of computing the number of rooms, be deemed a separate guest room for each one hundred square feet of superficial floor area therein.

“Dwelling” is any house or building, or any portion there- ^{“Dwelling.”} of, which is not a “tenement house” or a “hotel” as defined in this act, and which contains one or more “apartments” or “guestrooms,” used or intended or designed to be used, built, rented, leased, let or hired out to be occupied, or are occupied for living purposes.

“Family” is one person living alone or a group of two or ^{“Family.”} more persons living together in an apartment, whether related to each other by birth or not.

“Fireproof building” is a building wherein all the exterior ^{“Fireproof building.”} and interior loads or strains are transmitted to the foundation by means of concrete, reinforced concrete, brick, stone, or by means of a skeleton framework of steel or iron, or of reinforced concrete or a combination of such materials; the exterior walls, inner court walls and roof constructed of concrete, reinforced concrete, brick, stone, terra cotta or concrete tile; where all the structural steel or iron is thoroughly fireproofed by concrete, cement plaster, tile, brick or sandstone, not less than two inches thick; where all the interior partitions are constructed of either terra cotta or concrete tile blocks, gypsum blocks, brick, concrete, reinforced

concrete, or of metal studs lathed with metal lath, and plastered not less than three quarters of an inch thick, or constructed of wire glass not less than one fourth inch thick, set in metal frame and sash, and all other materials used in the said building are of approved fire resistive or incombustible material, except that the glass in windows, transoms, or doors may be in plain glass, and except that doors, frames, sash and the usual trim of rooms, hallways, corridors and passageways may be of wood, and except that wood floors may be placed, on top of the floors constructed of incombustible materials, except in the stairways and public hallways.

"Guest."

"Guest" is any person hiring and occupying a room for sleeping purposes, and shall include both boarders and lodgers.

"Guest room."

"Guest room" is a room which is occupied, or is intended, arranged or designed to be occupied for sleeping purposes by one or more guests, but shall not be deemed to include dormitories used for sleeping purposes.

"Hotel."

"Hotel" is any house or building of more than one story in height or portion thereof, containing six or more guest rooms used or intended or designed to be used, let or hired out to be occupied, or which are occupied by six or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise, and shall include hotels, lodging and rooming houses, turkish baths, bachelor hotels, studio hotels, public and private clubs, and any such building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention buildings and similar buildings where human beings are housed and detained under restraint.

"Housing department."

"Housing department" is any department or commission charged with the enforcement of ordinances or laws regulating the occupancy and maintenance of buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances relating to the protection of the public health.

"Kitchen"

"Kitchen" is any room used or intended or designed to be used for cooking and preparation of food.

"Lot."

"Lot" is a parcel or area of land on which is situated a building together with the land, yards, courts and unoccupied spaces required by this act for such building; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the owner of the building.

A lot situated at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the two streets is a "corner lot." All parts of the width of such a corner lot which are distant more than seventy-five feet from the junction point of the two or more intersecting streets, shall be deemed to be an "interior lot." The owner or his authorized agent may designate either street frontage as being the front of such corner lot for the purpose

of determining the width thereof. A lot which is not a "corner lot" is an "interior lot." "Front of lot" is the boundary line of lot bordering on the street. In case of a corner lot, either frontage may be the "front of lot." "Rear of lot" is the boundary line of lot opposite the "front of lot." "Depth of lot" is the mean distance from the "front of lot" to the "rear of lot."

"Metal lath" is any standard approved type of expanded metal lath painted or galvanized, and for the purposes of this act, in lieu of metal lath, there may be used any type of "approved" plasterboard that is approved as in this act provided, and such plasterboard shall have applied over the same not less than three-eighths of an inch of plaster; *provided, however,* that when plasterboard is used on the weather side of exterior walls and shafts it shall have applied thereon, before it is plastered, a reinforcement of metal lath or redipped or galvanized wire mesh.

"Nuisance" embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health, and shall also embrace the overcrowding with occupants of any room, insufficient ventilation, or illumination, or inadequate or insanitary sewerage or plumbing facilities, or uncleanness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

"Occupied space" is all the space covered by a building including outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, vent shafts not exceeding thirty-two square feet in area, cornice which projects into a court or a yard more than is permitted elsewhere in this act, except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not exceeding four feet beyond the exterior walls of the building into a yard or court providing they do not in any manner obstruct the light and ventilation of the rooms or apartments, and except that a retaining wall may extend not to exceed twelve inches into a yard or court. For the purpose of determining occupied space, the area of the building shall be taken at the lowest story or portion thereof used for the living or sleeping purposes.

"Person" is a natural person, his heirs, executors, administrators or assigns; and also includes a firm, partnership or corporation, its or their successors or assigns.

"Public hallway" is a hallway, corridor, passageway or vestibule not within an apartment in a tenement house, or not within a suite of rooms in a hotel, and includes stairways, landings and platforms.

"Semifireproof building" is a building which does not fully comply with the requirements of this act for a "fireproof building" as defined in this act and with all exterior walls and walls of inner and outer courts and recesses constructed of brick, stone, concrete, reinforced concrete, terra cotta or concrete tile or similar approved fire resistive or

incombustible materials and that conforms in all other respects to the provisions of this act for semifireproof buildings; *provided, however*, that the exterior walls of inner courts that are surrounded on four sides by the same building may be constructed as hereinafter provided for such inner courts by section fifty-seven of this act. In every semifireproof building designed and built to exceed four stories in height, all the interior walls, partitions and ceilings therein and the soffits of stairways and the stairwells shall be constructed of the same kind of materials and in the same manner hereinbefore provided for fireproof buildings or the interior walls, partitions and ceilings and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be of wooden construction and shall be lathed with metal lath and plastered not less than three-quarters of an inch thick. In every semifireproof building designed and built not to exceed four stories in height, all the walls and partitions and ceilings of public hallways and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be constructed of the same kind of materials and in the same manner hereinbefore provided for semifireproof buildings that are designed and built to exceed four stories in height or such walls and partitions and ceilings of public hallways and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be of wooden construction and shall be lathed with metal lath and plastered not less than three-quarters of an inch thick. The roofs of every semifireproof building shall be constructed of approved incombustible materials or be well covered with an "approved" composition fire resistive or fire retardant material. In semifireproof buildings the usual trim of rooms and hallways, finished floors, windows and doors and the frames therefor may be of wood and the glass in windows and doors may be in plain glass except where in this act otherwise prescribed.

"Shaft."

"Shaft" is any shaft whether for air, light, ventilation, elevator or dumb waiter. A vent shaft is one used solely to ventilate or light water closet compartments and bath rooms and in a tenement house or hotel, hereafter erected, no window or windows from a living room, bed room, kitchen or other room or place used for cooking, preparation or storage of food, shall open onto such a vent shaft. Every vent shaft shall be open and unobstructed to the sky.

"Shall."

"Shall" whenever this word is used it shall be mandatory.

"Street."

"Street" is any public street, public alley, thoroughfare or public park having a minimum width of sixteen feet, measured from the "front of lot," to the opposite "front of lot," and which shall have been dedicated or deeded to the public for public use.

"Tenement house."

"Tenement house" is any house or building, or portion thereof, more than one story in height, which is designed, built, rented, leased, let or hired out to be occupied, or which is occu-

ped as the home or residence of three or more families living independently of each other and doing their cooking in the said building.

"Wooden building" is a building which does not fully comply with the requirements of this act for a "fireproof building," or a "semifireproof building" as defined in this act. Every wooden building hereafter erected in any incorporated town, incorporated city or incorporated city and county shall have the exterior walls thereof and roofs thereon constructed of the same kind of materials and in the same manner hereinbefore provided for semifireproof buildings; *provided, however,* that the exterior walls of any wooden building may be constructed of wooden materials or stuccoed or veneered in an approved manner on wooden frame work. In every wooden building which is a tenement house designed and built to accommodate three or more families above the first story thereof, and in every wooden building which is a hotel designed and built to accommodate six or more guests above the first story thereof, the walls, partitions and ceilings of public hallways, soffits of interior stairways and stair wells shall be lathed with metal lath and plastered not less than three-quarters of an inch thick; *provided, however,* that in the case of a wooden building, erected prior to the passage of this act, which is hereafter altered or converted for use of a tenement house or hotel the provisions hereinbefore set forth as regards metal lath and plaster shall apply only to the new work therein or portion thereof which is renewed.

"Yard" is an open unoccupied space other than a court on the lot on which is situated a building, open unobstructed from the ground to the sky except where otherwise provided by this act. If such a yard is between the front line of the building and the front boundary line of the lot, it is a "front yard." If the yard is between the extreme rear line of the building and the rear of the lot, it is a "rear yard." If the yard extends from the rear yard to the front yard or front of lot, it is a "side yard."

SEC. 11. Whenever a building used for human habitation is erected behind another building or there is placed a building in the front of another building, the rear building shall have direct access to a street by means of a passageway not less than five feet wide, and not less than seven feet high if it passes through the building in the front thereof, and such passageway or portion thereof that passes through a building must be constructed as provided by section sixteen hereof regarding passageways.

SEC. 12. No semifireproof tenement house or hotel hereafter erected shall exceed six stories at any point, nor more than two times the width of the widest street to which the lot on which it is situated abuts. No wooden tenement house or hotel hereafter erected shall exceed three stories for living and sleeping purposes at any point nor more than thirty-six feet in height (except as hereinafter provided), nor

more than two times the width of the widest street to which the lot on which it is situated abuts; *provided, however*, that semireproof or wooden tenement houses or hotels may be erected of a height more than two times the width of the widest street to which the lots abut on which such tenement houses or hotels are situated; *provided*, that in such tenement houses or hotels each story that is built above the height hereinbefore prescribed is set back not less than six feet from the street facade of the story immediately below such story; *and provided, further*, that the height limit for semireproof or wooden tenement houses or hotels above set out is not exceeded. For the purpose of determining the number of stories in a building the basement shall be counted a story. A wooden tenement house or hotel may be increased to a height not exceeding forty feet provided that the courts required by this act are not less in widths or areas than is required for a tenement house or hotel, as the case may be, having four stories designed for human habitation and provided such wooden tenement house or hotel shall not have more than three stories occupied or intended or designed to be occupied for human habitation. The height of a building is the perpendicular distance from the curb level or adjoining ground levels to the lowest point of the finished ceiling of the top story; *provided*, that in case of a wooden tenement house or hotel situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed forty feet above the curb line measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed fifty feet above the adjoining curb in the case of a corner lot or above the level of the ground in the case of an interior lot. For the purpose of this section the width of street shall be measured from the extreme front of the building to the front of lot opposite across the street.

Unoccupied
area.

SEC. 13. On every corner lot on which a tenement house is hereafter erected, at least ten per cent of such lot shall be left unoccupied. On every interior lot on which a tenement house is hereafter erected, at least twenty-five per cent of such lot shall be left unoccupied; *provided, however*, that if either of such lots extend through from one street to another street, or a public alley, or public park one-half of the narrowest street or public alley or public park to which the lot abuts may be considered as a part of the lot in computing the percentage of lot to be left unoccupied; except that if such one-half of the narrowest street or public alley or public park is greater than the rear yard required for the tenement house, then only as much of the said street or alley or public park as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of lot to be left unoccupied.

SEC. 14. On every lot on which a tenement house is here-
 after erected there shall be provided a rear yard immediately Rear yard
of
tenement
house.
 behind such tenement house. In the case of an interior lot,
 such yard shall extend across the entire width of the lot;
 except that outside stairways, platforms and balconies con-
 structed of open metal work and fire escapes may extend not
 more than four feet into any yard. The minimum depth of
 a rear yard on an interior lot shall be not less than twelve
 feet for a building of sixty feet in height and the said yard
 shall be increased in depth two feet for each additional twelve
 feet in height of the building or fractional part thereof up
 to one hundred eight feet, and the said yard may be decreased
 in depth one foot for each twelve feet in the height of the
 building less than sixty feet; *provided, however*, that in no
 event shall any such yard be less than ten feet in depth; *and*
provided, further, that in the case where a building exceeds
 one hundred eight feet in height the minimum depth of the
 said yard shall be twenty feet.

In the case of a corner lot the rear yard shall extend across
 the entire width of the lot and from the lowest floor which
 is used for living or sleeping apartments, clear and unob-
 structed to the sky. The minimum depth of a rear yard on
 a corner lot that does not exceed one hundred feet in depth
 shall be not less than ten per cent of the depth of the lot nor
 less than five feet nor less than the minimum width required
 for an outer court, and in case the lot exceeds one hundred
 feet in depth the depth of the rear yard shall be not less than
 ten feet nor less than the minimum width required for an
 outer court.

Except where otherwise provided the depth required for
 a rear yard shall be determined by the height of the rear
 wall of the tenement house which abuts on the said rear yard
 and measured from the top of such wall to the level of the floor
 of the yard at such rear wall; *provided, however*, that if either
 lot extends through from one street to another street, or
 to a public alley or public park, one-half of the nar-
 rowest street or public alley or public park to which
 such lot abuts may be considered as a part of the lot in
 computing the rear yard required by this section. In the
 case of a tenement house hereafter erected, designed and
 built to accommodate not more than two families above the
 first story thereof, the percentage of unoccupied space and
 sizes of rear yards may be one-half of that prescribed by sec-
 tions thirteen and fourteen hereof, but in no event shall a
 rear yard be less than five feet in depth.

SEC. 15. Where a hotel hereafter erected is designed to Rear yard of
hotel and
dwelling
house.
 have a rear yard the minimum size of such rear yard shall
 be not less in depth than the width of an inner court nor in
 area than the area of an inner court, except that if such rear
 yard is bounded on its entire one end or side by an outer
 court, or by a side yard or by a street, or by a public alley
 or park, then such rear yard shall be not less in depth than

the width of an outer court; *provided, however*, that if the lot extends through from one street to another street or public alley, such public street or alley may be considered as a part of the lot in computing the rear yard.

In a dwelling hereafter erected, which is designed to have a rear yard the minimum depth of such yard shall be not less than four feet.

Passageway
to rear
yard.

SEC. 16. Every rear yard required by this act, for a tenement house hereafter erected, and not bordering on a street or public alley shall have access to a street or public alley by means of an unobstructed passageway, separate from the main public hallway through the building, not less than three feet in clear width, nor less than six feet six inches in clear height; and if such passageway or any portion thereof passes through a building, such portion thereof shall be built of approved incombustible materials, or shall be lathed with metal lath plastered not less than three-quarters of an inch thick, or shall be lined with not less than number twenty-six (gauge) galvanized iron, and shall be drained.

Distance
between
buildings.

SEC. 17. Where a tenement house or hotel is now or hereafter erected upon a lot other than a corner lot no other building of any character or kind shall hereafter be placed on the front or the rear of such lot unless the minimum distance between such buildings shall be at least twenty feet, and two additional feet shall be added to such minimum distance of twenty feet for every story more than two in height of the highest building on such lot; *provided, however*, that the provisions of this section shall not apply when dwellings only stand upon or are to be placed on the lot.

Measure-
ment of
rear yard.

SEC. 18. The depth of a rear yard for a tenement house or hotel shall be measured at right angles from the extreme rear line of the building towards the rear lot line.

Front yard
below level
of curbs.

SEC. 19. Every front yard which is excavated below the level of the curb or below the adjoining ground level for the purpose of furnishing light and ventilation to a basement shall in no part be less in width and length than required for outer courts.

Side yard.

SEC. 20. The width of every side yard shall be not less than the width required for an outer court and measured in the same manner as an outer court, except that the provisions of this act regarding the maximum lengths of an outer court shall not apply to a side yard; *provided*, that if there is a side yard on both sides of the building, connected one with the other across the rear of the building by a rear yard, then the width of the side yards may be reduced twelve inches.

SEC. 21. The outer courts of all tenement houses hereafter erected shall have not less than the following minimum widths nor more than the following maximum lengths as set out in the following table: Outer courts of tenement houses.

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of outer court in every part	Maximum length of outer court
2 stories -----	4 feet 0 inches	60 feet
3 stories -----	4 feet 6 inches	25 feet
4 stories -----	5 feet 6 inches	30 feet
5 stories -----	6 feet 6 inches	35 feet
6 stories -----	8 feet 0 inches	35 feet
7 stories -----	10 feet 0 inches	40 feet
8 stories or more -----	12 feet 0 inches	40 feet

Provided, however, there shall be added to the minimum width of each such outer court six inches for each five feet or fractional part thereof in excess of the maximum length, except in the case of outer courts in tenement houses not more than two stories in height. The maximum lengths herein provided shall not apply when the outer court is bounded on one side for its entire length by a lot line; *provided, however,* that if an outer court is bounded by a public alley or public park, the width of such public alley or public park may be considered a part of the lot in determining the required width of the outer court.

The outer courts of all hotels hereafter erected shall have not less than the following minimum widths as set out in the following table: Outer courts of hotels.

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or dormitory or dormitories	Minimum width of outer court in every part
2 stories -----	4 feet 0 inches
3 stories -----	4 feet 6 inches
4 stories -----	5 feet 6 inches
5 stories -----	6 feet 0 inches
6 stories -----	7 feet 0 inches
7 stories or more -----	8 feet 0 inches

Outer courts for dwellings shall be governed by the same minimum widths herein provided for tenement houses of two stories in height and every such outer court shall contain at least forty square feet of floor or ground area. Outer courts of dwellings.

SEC. 22. In no event shall any yard or court be made to serve two buildings hereafter erected, or an existing building and a building hereafter erected. Yard not to serve two buildings.

Inner courts
of tenement
houses.

SEC. 23. The inner courts of all tenement houses hereafter erected shall have minimum areas and minimum widths in all parts not less than the areas and widths contained in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories -----	6 feet	75 square feet
3 stories -----	7 feet	120 square feet
4 stories -----	8 feet	160 square feet
5 stories -----	12 feet	250 square feet
6 stories -----	16 feet	400 square feet
7 stories -----	20 feet	625 square feet
8 stories or more -----	24 feet	840 square feet

Provided, however, that the minimum size of inner courts bounded on one side for their entire length by a lot line shall be not less than of the minimum areas and minimum widths contained in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories -----	5 feet	60 square feet
3 stories -----	6 feet	120 square feet
4 stories -----	7 feet	175 square feet
5 stories -----	9 feet	225 square feet
6 stories -----	12 feet	360 square feet
7 stories -----	15 feet	525 square feet
8 stories or more -----	18 feet	630 square feet

Every inner court in tenement houses hereafter erected and every inner court in any tenement house or hotel shall be provided with a door or window at or near the bottom thereof, giving sufficient access to such court or vent shaft as to enable it to be properly cleaned out. Any inner court, including inner courts one entire side of which is bounded by a lot line, for a tenement house hereafter erected designed and built to accommodate not more than two families above the first story thereof, may be reduced one foot in its width from the widths hereinbefore prescribed, and every such inner court shall contain an area of not less than sixty square feet. Inner courts for dwellings shall be not less in width and area than hereinbefore provided for outer courts for dwellings.

SEC. 24. The inner courts of all hotels hereafter erected shall have not less than the following minimum lengths nor less than the minimum widths in every part as set out in the following table:

Inner courts of hotels.

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or dormitory or dormitories	Minimum width of inner court in every part	Minimum length of inner court
2 stories -----	5 feet	9 feet
3 stories -----	7 feet	10 feet
4 stories -----	10 feet	12 feet
5 stories -----	12 feet	16 feet
6 stories -----	14 feet	18 feet
7 stories -----	16 feet	20 feet
8 stories or more -----	16 feet	22 feet

Provided, however, that the inner courts bounded on one side for their entire length by a lot line shall have not less than the following minimum lengths nor less than the minimum widths in every part as set out in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or a dormitory or dormitories	Minimum width of court in every part measured at right angles to lot line	Minimum length of court running parallel to the lot line
2 stories -----	4 feet	9 feet
3 stories -----	5 feet	10 feet
4 stories -----	6 feet	11 feet
5 stories -----	7 feet	12 feet
6 stories -----	8 feet	13 feet
7 stories -----	9 feet	14 feet
8 stories or more -----	10 feet	15 feet

The minimum width of an inner court bounded by a lot line for a hotel shall always be measured at right angles to the lot line and the minimum length of such a court shall always be measured parallel to the lot line.

SEC. 25. Every recess from a court, yard or street in a tenement house or hotel hereafter erected shall be not less in width than its depth, and the area thereof shall not be counted in computing the area of a court or yard. Every such recess shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are rooms the said recess is designed to serve.

Recesses.

SEC. 26. Every inner court, including inner courts bounded on one side for their entire length by a lot line in a tenement house hereafter erected shall be provided with a horizontal intake at the bottom of such court. Every such intake shall always extend directly to the front of lot or front yard or rear yard or to a side yard or to a street or to a public alley or public

Intake in inner courts.

park. Each such intake shall consist of an unobstructed duct or passageway having a minimum width of three feet in all its parts and a minimum height of six feet six inches.

Every such intake shall be constructed of approved incombustible materials, or shall be lathed with metal lath and plastered not less than three-quarters of an inch thick, or shall be lined with at least number twenty-six (gauge) galvanized iron on the inside thereof. Such air intake may be closed at each end with a gate or grill having not less than seventy-five per cent of open work.

In case the inner court does not extend below the second floor level, then each such air intake may consist of an unobstructed open duct or ducts, constructed of materials as herein above set forth and contain an interior aggregate area of not less than ten square feet, and in no dimension be less than twelve inches, and covered at each end with a wire screen with a mesh of at least one inch in diameter.

Every air intake shall be drained and so constructed and arranged as to be readily cleaned out.

Cellar and
basement
rooms.

SEC. 27. In no tenement house or hotel shall any room in the cellar thereof be hereafter constructed, altered, or occupied for living or sleeping purposes; and no room in a basement of a tenement house or hotel shall hereafter be constructed, altered, or occupied for living or sleeping purposes, unless such room conforms to all of the requirements of this act for rooms in other parts of the building and the ceiling of each such room shall be in all parts not less than seven feet above the adjoining ground level. Every basement shall be ventilated. The walls and floors of every basement hereafter constructed, which are below the ground level, shall be made waterproof and dampproof, and whenever deemed necessary, and so ordered by the department charged with the enforcement of this act, the walls and ceiling thereof shall be plastered.

Space
beneath
lowest floor
in tenement
or hotel.

SEC. 28. In every tenement house or hotel hereafter erected, the lowest floor thereof, except masonry floors laid directly on the soil or self-supporting masonry floors, shall be at least twelve inches above the surface soil adjoining and under the floor, and the entire space under such floor shall be kept clean and free from any accumulation of rubbish, debris or filth.

Such space under the floor shall be enclosed and provided with a sufficient number of openings with screens, lattice work, or similar provisions of a size to insure ample ventilation.

SEC. 29. Every dwelling hereafter erected shall be constructed in a substantial manner; and the building shall be so constructed as to provide shelter to the occupants against the elements, and so as to exclude dampness in inclement weather; and there shall be provided in every dwelling hereafter erected in any incorporated town, incorporated city or incorporated city and county a clear air space under the lowest floor thereof of at least six inches, except where there is a ventilated basement or cellar underneath such floor and except

Space
beneath
lowest floor
in dwelling
house.

where masonry floors are laid directly on the soil, or there is used a self-supporting masonry floor. Such clear air space shall be enclosed and provided with a sufficient number of openings with screens, lattice work, or similar provisions, of a size to insure ample ventilation. The surface underneath the floor shall be kept clean and free from any accumulation of rubbish, debris or filth. All floors in such dwellings and the roofs thereon shall be constructed in the manner and of the materials and to sustain the live loads elsewhere in this act provided.

SEC. 30. In every apartment in every tenement house hereafter erected there shall be at least one room that contains not less than one hundred twenty square feet of superficial floor area, and every other room shall contain not less than eighty square feet of superficial floor area. In every hotel hereafter erected each guest room shall contain not less than eighty square feet of superficial floor area. Superficial floor area.

Open sleeping porches or enclosed sleeping porches and similar rooms may be designed and built with a superficial floor area of seventy square feet; *provided*, such porches or rooms are designed and built with windows on at least two sides thereof or with window areas of twice the minimum size in this act elsewhere prescribed for rooms and in no event of a window area of less than twenty-four square feet, and provided such windows open onto a street, yard, or court. Sleeping porches.

Every kitchen in a tenement house hereafter erected shall contain not less than fifty square feet of superficial floor area. Kitchen.

In every tenement house hereafter erected, designed, or built to accommodate three or more families above the first story thereof, and in every hotel hereafter erected, every room shall have a ceiling height of not less than nine feet, measured from the finished floor to the finished ceiling; and in every other tenement house hereafter erected, every room shall have a ceiling height of not less than eight feet and six inches measured from the finished floor to the finished ceiling. The minimum width of every room in a tenement house or hotel hereafter erected shall be not less than six feet at any point. Attic rooms and rooms where sloping ceilings occur need only have the prescribed ceiling heights in not less than one-half of the area of the room. The foregoing provisions of this section shall not apply to water-closet, bath or slop-sink compartments, nor to closets, recesses from rooms and dressing rooms, nor shall the minimum width of rooms apply to kitchens. Ceiling height.

Every water-closet compartment in every building hereafter erected, shall be not less than thirty inches in clear width, and every such water-closet compartment, bath or slop-sink compartment, closet and recess from a room shall have a ceiling height of not less than seven feet and six inches, measured from the finished floor to the finished ceiling. In every tenement house designed and built to accommodate three or more families above the first story thereof and hotel hereafter erected, every closet, recess from a room or dressing room, Water-closets.

which contains more than twenty-five square feet of superficial floor area (built-in dressers, clothes presses and similar features which are a substantial part of the structure shall not be deemed to be a part of the floor area of a closet, recess from a room or dressing room) shall conform to all of the provisions of this act for rooms and shall contain not less than eighty square feet of superficial floor area.

Division
of room.

No part of any room in any tenement house or hotel shall hereafter be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, for any purpose contrary to any of the provisions of this act.

Entertain-
ment
rooms.

Entertainment, amusement, or reception rooms hereafter constructed, altered or converted, in a tenement house or hotel shall conform to the provision of section thirty-two of this act.

Dormitories hereafter constructed, altered or converted in any building shall conform to the provisions of section sixty-two of this act.

Windows.

SEC. 31. In every building hereafter erected, every living room, bedroom, guest room, dormitory, kitchen, scullery, pantry (except pantries in apartments) or other room in which food is stored or prepared, dining room, general amusement, entertainment or reception room and room or compartment wherein there is installed a water-closet, shower, bathtub or toilet or general utility room shall have a window or windows of the area hereinafter required, opening onto a street, public alley, or a yard or court of the dimensions specified in this act and located on the same lot.

All such windows shall be located so as to properly light all portions of the room or compartment as the case may be, and shall be made and arranged so that at least one-half of the aggregate window area, required in each such room or compartment, may be opened unobstructed.

Opening
into vent
shaft.

The windows required by this section in a water-closet or shower compartment, bath, toilet or slop-sink room may open directly into a vent shaft in lieu of a street, yard or court. Such vent shaft shall be not less than the minimum size, and constructed of the materials and in the manner prescribed by section fifty-six of this act.

Nothing in this section shall be construed to prohibit windows from hallways and rooms to open through roofed porches that do not diminish the percentage of unoccupied space, or sizes of yards and courts, required by this act, provided, that such windows face the street, yard or court to which such porches abut.

Exhaust
system of
ventilation.

In a hotel, water-closet or shower compartments, bath, toilet, kitchens, sculleries, pantries or other rooms used for cooking, storing or preparing of food, and in a tenement house or hotel, general amusement rooms, reception rooms, public dining rooms, and general utility rooms in lieu of windows, may be ventilated by an exhaust system of ventilation installed.

constructed and maintained as hereinafter prescribed by section sixty hercof.

SEC. 32. Every room in every tenement house hereafter erected; and every room, kitchen, scullery, pantry or other room in which food is stored or prepared, and general utility room, in every hotel hereafter erected, and every room used for living and sleeping purposes and every kitchen in every dwelling hereafter erected, shall have one or more windows the total area of which shall be at least one-eighth of the superficial floor area of the room or compartment such window or windows are designed to serve, and in no event shall the aggregate window area in a room be less than twelve square feet, and in rooms in a tenement house or hotel no single window shall be less than six square feet in area; *provided, however,* that rooms in dwellings designed to be occupied by but one family shall have a minimum aggregate window area of twelve square feet irrespective of the floor area of the room.

In every building hereafter erected the window area in a water-closet compartment, bath, toilet, or shower room, shall be not less than three square feet, and in a tenement house or hotel the aggregate area of windows for each such compartment or room shall be not less than six square feet, and in each such compartment or room containing more than one water-closet, bath, or urinal the aggregate window area shall be equivalent to three square feet for each water-closet, bath or urinal therein, except that at no time need the aggregate window area exceed one-fourth of the superficial floor area of such compartment or room.

In every tenement house or hotel hereafter erected, the total window area in each room used or intended or designed to be used for the purpose of amusement, entertainment, reception room, public dining room or any room used for similar purposes, which room has a superficial floor area not exceeding one hundred eighty square feet, shall be at least one-eighth of the superficial floor area of such room. Every such room which has a superficial floor area exceeding one hundred eighty square feet shall have an aggregate window area not less than that required for a room of one hundred eighty square feet of superficial floor area.

Every such amusement, entertainment, or reception room, or public dining room, or room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than nine feet. No such room or part thereof shall be used for living or sleeping apartments, except that said room or part thereof complies with all of the other provisions of this act, for living and sleeping rooms.

All measurements for window area shall be taken to the outside of the sash.

SEC. 33. In every tenement house hereafter erected, every public hallway that serves three or more apartments on any floor, and in every hotel hereafter erected, every public hall-

Window
area.

Windows in
public
hallways.

way that serves five or more guest rooms on any floor, shall have at least one window opening directly onto a street, or onto a yard or a court of the dimensions specified in this act and located on the same lot; such window or windows shall be at the end of the public hallway or placed so as to secure the maximum light into the hallway; *provided, however*, that in tenement houses or hotels not exceeding two stories in height, the public hallway may, in lieu of such windows, be lighted and ventilated by one or more skylights constructed in accordance with the provisions of this act.

Window
area.

Every window required by this act in a public hallway shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height, and the finished sill of same shall not be more than thirty inches above the adjoining finished floor. Every such window shall be made so as to open and so arranged that at least one-half of the window may be opened unobstructed.

Skylights.

Every skylight provided for in this section shall have an effective horizontal area of glass of not less than fifteen square feet, and shall have ridge ventilators or fixed or movable louvers so as to provide a ventilating area of not less than five hundred square inches. Such skylights shall be so located that no portion of the hallway be distant more than twenty feet (measured from a vertical line) from a skylight opening.

Separate
hallway.

Any part of a public hallway which is offset, recessed, or cut off from any other part of a hallway where such offset or recess is more in length than three times the width of the public hallway from which it offsets or recesses, shall be deemed a separate public hallway within the meaning of this section.

French
windows.

French windows or doors, if arranged to open and glazed to give the areas of opening and glass required by this act for windows in public hallways, or windows in rooms of any building, may be used in lieu of windows therein.

Ventilating
skylight.

SEC. 34. In every tenement house or hotel two or more stories in height, hereafter erected, where there are more than three apartments, in the case of a tenement house, and more than five guest rooms in the case of a hotel, on any one floor above the first floor thereof, there shall be provided at the roof over each stairway a ventilating skylight, placed directly as practicable over same, having a minimum effective horizontal area of glass at least twenty square feet in area for buildings two stories in height, and the area of glass in such skylight shall be increased at a ratio of six square feet for each additional story in height. In every such skylight the ventilating area shall be not less than five hundred square inches.

Every such skylight and the ventilating openings and the shutters and the closing and opening devices for the ventilating openings shall be made of approved incombustible materials and so arranged that the entire ventilating area may be readily opened from at least the topmost and first story levels, except

that in tenement houses or hotels, not exceeding four stories in height the ventilators may be arranged so as to open from at least the first story, or the ventilators may be fixed permanently in an open position.

Skylights as in this section prescribed may be omitted in case that windows are provided of the size fixed by section thirty-three hereof and located adjoining the stairways, and that each window adjoining the stairway be provided with an open louver or ventilator providing a ventilating area of not less than one hundred square inches or such louver or ventilator may be placed in the roof over the stairway, in which event the ventilating area shall be not less than five hundred square inches.

Whenever a skylight is required as in this section provided there shall be constructed a stair well, the clear open area of which shall be at each floor equal to one-third of the area of glass in the skylight.

SEC. 35. In every tenement house hereafter erected, every apartment that contains four or more rooms, exclusive of bath rooms, shall be so arranged that access may be had to a water-closet compartment, without passing through any bedroom. Access to water-closet.

SEC. 36. In every tenement house hereafter erected there shall be installed one water-closet within each apartment located in a separate compartment or located in a compartment with a bathtub, shower or lavatory, used exclusively by the occupants of the apartment. Water-closets in tenement house.

In every hotel hereafter erected there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for each sex on such floor. One of such water-closets shall be distinctly marked "for men" and one of the water-closets shall be distinctly marked "for women"; and there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for every ten guest rooms or fractional part thereof in excess of ten guest rooms on such floor which are not provided with private water-closets. Each of the said water-closets shall be accessible from each of the guest rooms through the public hallway, and not more than one hundred feet distant from the entrance door of each of the guest rooms the said water-closet proposes to serve. In hotel.

In every dwelling hereafter erected there shall be provided one water-closet for each family living therein; *provided, however*, that in the case of group dwellings and in dwellings where there live persons not living together as families, the department charged with the enforcement of this act may at its discretion issue a special permit whereby there shall be provided at least one water-closet for each sex, located in a separate compartment, and such compartments shall be distinctly marked "for men" and "for women." Such two water-closets shall not serve more than four families and there shall be provided one additional water-closet for each additional two families or lesser fractional part thereof in excess of four families. In In dwelling house.

the case of persons not living together as families there shall be provided not less than one water-closet for each ten such persons or fractional part thereof of each sex in the aforesaid manner.

Door. No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is prepared or stored in a tenement house or hotel.

Walls. The walls enclosing a water-closet compartment shall be well plastered, or constructed of or painted with some nonabsorbent material, except that the ordinary wood trim for openings may be used in such a compartment. Every water-closet compartment shall be provided and equipped with a full door, properly hung, and provided with a lock or bolt to lock same.

Floor The floor of every water-closet compartment hereafter constructed, in a tenement house or hotel, shall be made waterproof with asphalt, tile, marble, terrazzo, cement or some other similar nonabsorbent material, and such waterproofing shall extend not less than two inches on the vertical walls of the compartment.

Water-closets in buildings erected prior to passage of act. SEC. 37. In every tenement house erected prior to the passage of this act there shall be provided at least one water-closet in a separate compartment, located on the public hallway of the same floor, for every three apartments or fractional part thereof on such floor which are not provided with private water-closets. Where two or more water-closets are required by the provisions of this section to be located on a public hallway, one of such water-closets shall be distinctly marked "for men," and one of the water-closets distinctly marked "for women."

In every hotel erected prior to the passage of this act there shall be installed not less than one water-closet in a separate compartment, located on the public hallway for each sex; one of such water-closets shall be distinctly marked "for men," and one of the water-closets shall be distinctly marked "for women"; and there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for every twelve guest rooms, or fractional part thereof, on such floor, which are not provided with private water-closets; *provided, however,* that the housing department charged with the enforcement of this act may exempt any building existing at the time of the passage of this act from fully complying with the provisions of this and the preceding paragraph of this section, when in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the building or premises, or it is impractical to fully comply with the aforesaid provisions because of structural reasons that exist in the building; *provided, further,* that no such exemption shall apply to any addition or extension to a tenement house or hotel.

Every water-closet hereafter installed in a building erected prior to the passage of this act shall comply with every provision of this act relative to water-closets installed in buildings hereafter erected, except that in the case of water-closets and

baths installed in the top story of any building, the compartment in which they are installed may be ventilated by a skylight with fixed louvers in lieu of a window or windows; *provided, however*, that a new water-closet may be installed to replace a defective or antiquated fixture in the same location.

Every building erected prior to the passage of this act, or hereafter erected, where a connection with the sewer is possible, shall discontinue the use of any school sink, privy vault, or any similar receptacle used to receive fecal matter, urine or sewage, and every such receptacle shall be completely removed and the place where it was located be properly disinfected. All such receptacles shall be replaced by individual water-closets of durable nonabsorbent material, properly connected, trapped, vented and provided with flush tanks, the same as is required, by the provisions of this act in buildings hereafter erected.

SEC. 38. In every tenement house hereafter erected there shall be a bathtub or shower within each apartment, and such bathtub or shower shall be located in a separate compartment, or there may be provided one such bathtub or shower in a separate compartment for every three such apartments which are not provided with private baths or showers; *provided*, that said bathtub or shower is on the same floor and is accessible from each apartment through the public hallway.

In every tenement house hereafter erected there shall be at least one kitchen sink within each apartment. In every hotel hereafter erected there shall be installed not less than one bathtub or shower, in a separate compartment, located on the public hallway, for every ten guest rooms, or fractional part thereof, not provided with private baths; *provided*, that the said bathtub or shower is on the same floor and is accessible from each guest room through the public hallway.

The walls and floors of every bath or shower room hereafter constructed shall be waterproofed and shall be provided with doors in the same manner as required for the construction of water-closet compartments in tenement houses and hotels hereafter erected.

Every dwelling hereafter erected, designed and built to accommodate four or more families shall be provided with at least one bath tub or shower-bath and for each four families or fractional part thereof in excess of four families there shall be provided an additional bath tub or shower-bath. Such bath tubs or shower-baths shall be located in a suitable compartment or compartments therefor. Every dwelling hereafter erected designed and built to accommodate ten or more persons not living together as families shall be provided with at least one bath tub or shower-bath and for each fifteen such persons or fractional part thereof in excess of the first ten persons living therein there shall be provided an additional bath tub or shower-bath. Such bath tubs or shower-baths shall be located in a suitable compartment or compartments therefor.

Bathtub or shower in buildings erected prior to passage of act.

SEC. 39. In every tenement house erected prior to the passage of this act there shall be provided at least one bathtub or shower in a separate compartment, located on the same floor, for every five apartments, or fractional part thereof, which are not provided with private baths or showers, on each such floor, and there shall be provided at least one kitchen sink in each apartment.

In every hotel erected prior to the passage of this act there shall be installed not less than one bathtub or shower, in a separate compartment, located in the public hallway, for every twenty guest rooms, or fractional part thereof, which are not provided with private baths; *provided*, that the said bathtub or shower is located on the same floor and is accessible from each guest room through the public hallway.

Provided, however, that the department charged with the enforcement of this act may exempt any tenement house or hotel existing at the time of the passage of this act from fully complying with the provisions of this section when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the said tenement house or hotel or premises, or it is impractical to fully comply with the aforesaid provisions because of structural reasons that exist in the building; *provided, further*, that no such exemption shall apply to any addition or extension to a tenement house or hotel.

Plumbing connections.

SEC. 40. In every building hereafter erected, and in every building erected prior to the passage of this act, every plumbing fixture shall be provided with running water, and in every tenement house or hotel hereafter erected, or erected prior to the passage of this act, there shall be provided faucets, with running water, sufficient in number so that all of the yards, courts and passageways may be washed.

Every plumbing fixture affecting the sanitary drainage system of every building hereafter erected, shall be properly connected with the street sewer, if a street sewer exists in the street abutting the lot on which the building is located and is ready to receive connections. When it is impracticable to connect such plumbing fixtures with a street sewer, then the plumbing fixtures shall be connected and drained into a cesspool constructed satisfactorily to the department charged with the enforcement of this act; or some other means of sewage disposal satisfactory to the department charged with the enforcement of this act may be made until such time as it may become practicable and possible to connect with the street sewer. Whenever deemed necessary for the health of the occupants and the sanitation of the building or premises, and so ordered by the department charged with the enforcement of this act, there shall be installed in the building, properly connected with the building sewer line, an approved type of automatic sewer flushing device that will have a discharge sufficient to thoroughly cleanse such sewer line.

SEC. 41. Water-closets, baths, showers, sinks, slop-sinks, faucets, and other plumbing fixtures required by this act need not be installed in the event that the building hereafter erected or an existing building as the case may be, is situated where there is no running water and where there is no practicable means of sewage disposal, until such time as it becomes practicable and possible to obtain running water and means of sewage disposal; *provided*, in every such case the department charged with the enforcement of this act shall decide whether or not it is practicable and possible to provide running water and proper means of sewage disposal. A special permit in writing shall be obtained in every such case from the department charged with the enforcement of this act, which permit shall be made in duplicate, and a copy thereof shall remain on file in the department issuing it; *provided, further*, that proper separate toilet facilities for each sex shall be provided for the use of the occupants of such building. Such facilities shall be made sanitary. A privy, or toilet other than a water-closet, erected under the authority of this section shall consist of a pit at least three feet deep, with suitable shelter over the same to afford privacy, and protection from the elements. The openings of the shelter shall be enclosed by mosquito screening, and the door to the shelter shall be made to close automatically by means of a spring or other device. No privy pit shall be allowed to become filled with excreta to nearer than one foot from the surface of the ground, and the excreta in the pit shall be covered with earth, ashes, lime or similar substances at regular intervals. All drainage water shall be conveyed from the premises by means of a covered drain to a covered cesspool.

SEC 42. In every building hereafter erected, and in every existing tenement house and hotel, all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented and made sanitary in every particular. In no building hereafter erected and in no existing tenement house or hotel shall any water-closet, sink, slop-sink, wash tray or lavatory be enclosed with woodwork, but the space under and around same must be left open, and all woodwork enclosing such plumbing fixture shall be removed and the floors and wall surfaces beneath and around such water-closet, sink, slop-sink, wash tray or lavatory shall be maintained in good repair, and if of wood, well painted with a light colored paint of sufficient body to make it nonabsorbent. All wooden seats, attached to water-closet bowls, shall be varnished or enameled, or by some other method made nonabsorbent.

In every building hereafter erected water-closets shall have earthenware bowls and shall have earthenware seats integral with the bowls, or wooden seats varnished or enameled so as to be nonabsorbent or seats made of some nonabsorbent material attached directly to the bowls. No wooden wash trays or wooden kitchen sinks shall be permitted in such buildings. All plumbing connections hereafter made in buildings shall be of standard lead, iron, steel or brass, except house sewer

connections which may be of cast iron, vitrified clay or machine made glazed cement pipe, and every gas and water service connection hereafter made shall be of steel or iron and shall be equipped with cut-off valves placed outside of the building and readily accessible.

Whenever any plumbing fixture becomes insanitary the department charged with the enforcement of this act may cause the fixture to be removed and cause it to be replaced by a fixture conforming to the provisions of this act.

Stairways.

SEC. 43. Every fireproof tenement house or hotel hereafter erected shall have not less than one stairway, not less than three feet wide, for each six thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every semifireproof tenement house or hotel hereafter erected shall have not less than one stairway, not less than three feet wide, for each five thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every wooden tenement house or hotel hereafter erected shall have not less than one stairway, not less than three feet wide, for each four thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every tenement house or hotel three or more stories in height hereafter erected, shall have not less than one stairway leading from the outside to every basement or cellar thereof.

Computing number of stairways.

SEC. 44. The largest floor area above the first or ground floor shall be used as the basis for computing the number of stairways required in every tenement house or hotel hereafter erected; *provided*, that if all floors above the largest floor area of the building are diminished in area, the stairway or stairways from that portion of the building containing a smaller area may be computed on the basis of the largest floor area in that portion of the building.

Location of stairways.

SEC. 45. All stairways hereafter constructed shall be located so as to furnish the best means of egress from the building, and shall be as far removed from each other as practicable, and shall in conjunction with the fire escapes hereinafter required for tenement houses and hotels, provide two reasonable means of egress from each apartment, in a semifireproof or wooden tenement house that is three or more stories in height and has three or more apartments on any one floor above the first floor thereof, and from each guest room in a semifireproof or wooden hotel that is three or more stories in height and has six or more guest rooms on any one floor above the first floor thereof.

Access to stairways shall be provided at every floor by means of a public hallway, corridor, or passageway, and the public hallway, corridor, passageway and stairway from the ground exit level to the top story or roof shall be accessible at all times.

No stairway shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, and then only if the stairway is so located that it can be approached from the street entrance without passing by or in front of the open side of the said elevator shaft.

No stairway shall be located over a steam boiler, gas meter, gas heater or furnace, nor shall any such boiler, meter, heater or furnace be placed or located under a stairway, unless such boiler, gas meter, gas heater, or furnace be located in a room, the walls and ceiling of which are constructed as required for a boiler room by section fifty-eight of this act. No stairway leading from any other portion of the building shall terminate in or pass through a boiler room.

SEC. 46. Every stairway hereafter constructed, in a tenement house or hotel, shall be as follows: have a rise of not more than eight inches and a run of not less than nine inches, without change in the run or rise between floors; and shall be provided with head room of not less than six feet six inches measured from the nearest nosing of the stairway to the nearest soffit. Construction
of
stairs.

In every building three or more stories in height, the depth of every landing in a stairway shall be not less than the width of the stairway, and all treads shall be of equal width for every run of stairs, and shall not vary in width in the width of the stairs.

Stairways required by this act shall be continuous from the ground floor level to the top story and the flights of such stairways shall be constructed one directly above the other, or shall be constructed so that each flight shall be in plain view of each succeeding flight; *provided, however*, that half of the stairways from the upper floors may terminate at the second floor, in the event that the aggregate width of the stairways, from the first to the second floor, is increased not less than fifty per cent.

Every stairway shall have at least one handrail, and if the stairway be five feet or more in width, shall have a handrail on each side thereof.

The width of all stairways shall be measured in the clear of all projections except the baseboards, and except that handrails and newel posts may project not more than four inches.

SEC. 47. No closet of any kind shall be constructed under any wooden stairway, in any tenement house or hotel of more than two stories in height designed and built to accommodate three or more families or six or more guests above the first story thereof, but such space shall be kept entirely open, and be kept clean and free from all encumbrances, or such space shall be effectually closed with walls of studs, lathed with metal lath and plastered not less than three-quarters of an inch thick, with no door or opening of any kind therein. Space
under
stairs.

SEC. 48. In every tenement house designed and built to accommodate three or more families above the first story thereof or hotel hereafter erected more than two stories in Stairway
to roof.

height, the stairway nearest to the main entrance of the building shall be carried to the roof level and shall give egress to the roof through a penthouse or roof structure if the pitch of roof makes it practicable to construct such a penthouse or roof structure with safety to the occupants that may have occasion to use such egress, otherwise in such building there shall be constructed a scuttle in the public hallway over the stairway. Such scuttle shall be not less than two feet by three feet in area, and shall be cut through the ceiling and roof.

Penthouses over stairways shall be built either of fireproof materials or of wood studs, lathed with metal lath and plastered not less than three-quarters inch thick; or such penthouses may be covered in the same manner and with the same kind of materials as required by this act for the doors from such penthouses.

The door to the roof from a penthouse or roof structure shall be self-closing and shall open outward to the roof, and shall be covered on both sides and edges with tin or other metal.

The frames and trim of such door opening shall be similarly constructed and all glass in such door shall be wired glass not less than one-fourth inch thick.

Every now existing tenement house or hotel of more than two stories in height, that is not provided with a stairway to the roof as hereinbefore prescribed shall have in the roof a penthouse or a scuttle, which scuttle shall be not less than two feet by three feet in area, located in the ceiling of a public hallway, and there shall be provided a stairway or a stationary ladder, leading from the top floor of such tenement house or hotel to the roof thereof. Such stairway or stationary ladder shall be made readily accessible to all the tenants of the building. No scuttle or penthouse door shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Width of
hallways.

SEC. 49. Public hallways and corridors from stairways shall be measured in the same manner as the stairways and be not less than three feet in width.

Fire
escapes.

SEC. 50. On every tenement house or dwelling hereafter erected more than two stories in height, designed and built to accommodate two or more families above the second story thereof, and on every hotel hereafter erected more than two stories in height, designed and built to accommodate four or more guests above the second story thereof, there shall be provided at least one fire escape. On every such semifireproof or wooden tenement house or hotel wherein the floor area exceeds four thousand square feet on any one floor above the second floor thereof, there shall be provided one additional fire escape for each five thousand square feet of floor area or fractional part thereof, in excess of the first four thousand square feet of floor area hereinbefore provided; and on every such fireproof tenement house or hotel wherein the floor area

exceeds six thousand square feet on any one floor above the second floor thereof, there shall be provided one additional fire escape for each five thousand square feet of floor area or fractional part thereof in excess of the first six thousand square feet of floor area hereinbefore provided.

Fire escapes required by this act shall be one of the following types:

Type 1. Metallic throughout and fastened securely to the exterior walls of the building, with a balcony at each story above the first story thereof, with inclined stairways connecting all balconies and a goose-neck ladder connecting the topmost balcony to the roof. The lowest balcony of such fire escape to be not more than fourteen feet above the street or ground level directly under the same.

All metallic balconies shall be not less than forty-four inches in width nor less than thirty-three square feet in area. The stairway openings therein shall be not less than twenty-one inches wide and forty inches in length. The balcony balustrade shall be not less than thirty-four inches high, with no opening in such balustrade greater than eight inches in horizontal dimension.

There shall be no opening greater than one inch in width in a fire escape balcony platform, except the stair well opening.

There shall be no opening greater than one inch in width in the lowest fire escape balcony platform, except that there be attached a counterbalanced or permanent ladder reaching to the street or ground below.

Every balcony platform shall be fastened to the outside walls of the building by building in and anchoring to such walls the balcony platform and the balustrade framing, or by securely bolting same thereto. Every balcony shall be supported by brackets, braces, or struts fastened to or built in and anchored to the walls.

The inclined stairways shall be not less than eighteen inches in width and placed in no part nearer than twenty-one inches from the face of the wall. Such inclined stairways shall have an inclination of not less than four inches and not more than six inches horizontally to each twelve inches of vertical height. The treads shall be not less than four inches wide, placed not more than twelve inches apart. Each side of such stairways shall be provided with a handrail not less than one inch in diameter fastened to the stair stringers and continued around the well hole openings of balcony platform.

The goose-neck ladder shall be not less than fifteen inches wide and extend vertically from the topmost balcony to three feet above the fire wall or roof above, and then be brought down and fastened to the inside face of the fire wall or to the roof. The rungs of the goose-neck ladder shall be not less than five-eighths inch round iron or steel, placed not more than fourteen inches apart. The goose-neck ladder shall be securely braced and fastened to the outside wall, and in no

case shall such ladder pass in front of any opening in the wall to the interior of the building. The cornice opening for the passage of such ladder shall be not less than twenty-four inches in width and twenty-four inches in the clear outside of the ladder.

Such fire escape shall be framed and riveted or bolted together in a solid, substantial manner and properly supported, braced and fastened to the outside walls so as to be rigid, durable and secure and carry the loads imposed.

All metallic fire escapes shall be painted with not less than two coats of good, durable paint; or such fire escapes may be galvanized.

Type 2.

Type 2. Metallic ladders and stairways conforming to the provisions set forth for "type one" and with reinforced concrete or iron or steel fireproofed balconies, with fastenings of similar materials. Such balconies to measure the full size inside of balustrades. Floor openings and well holes provided and protected similarly to the requirements for metallic balconies.

Type 3.

Type 3. Any type of an enclosed approved metallic spiral fire escape which consists of a rigid form of an inclined chute or chutes constructed entirely of incombustible material; securely attached to the outside walls of the building; provided with proper means of ingress thereto from the building and egress therefrom at the bottom; having means enabling firemen to reach the roof thereby from the ground; equipped with standpipes; painted the same as provided for metallic fire escapes; and satisfactory to the department charged with the enforcement of this act as being solid, substantial and durable and as fireproof in construction, and providing at least as safe and efficient means of escape from the building for the occupants thereof, and furnishing all the protection and utility of the metallic fire escapes described as "type one" in this act.

Type 4.

Type 4. Fire and smoke towers, consisting of a fire escape stairway not less than twenty inches in width, constructed of reinforced concrete, iron or steel, or a combination of these materials; and in all other details as required in this act for metallic fire escape stairways; said stairways being continuous the full height of the building from the first floor exit level to the roof, and with handrails on each side thereof the full length of same. Such fire and smoke towers to be constructed at a point adjoining the exterior walls of the building and be entirely enclosed with walls of brick, terra cotta tile, concrete or reinforced concrete not less than eight inches thick: such walls to be continuous from the basement up to and extending three feet above the roof of the building, with no covering of any kind over the fire and smoke tower unless that such covering is constructed of approved incombustible materials and that in the said covering there is provided permanent open louvers or other permanent unobstructed openings to the outer air and that such permanent open

louvers or other permanent unobstructed openings shall be of an aggregate open area equivalent to fifty per cent of the aggregate superficial area of the covering, and with no openings in the walls of such tower into the building. The enclosing walls of such tower not to be used to carry or support any floor joist, beam, girder or other structural feature of the building, nor to be chased for any pipe, conduit or other purpose; to have an exit from the enclosure at the first floor line opening directly to a street or yard, and having an entrance by means of an outside balcony at each floor, such balconies to have a solid floor and in all other details and kind of materials to be as in this act required for metallic fire escape balconies. The balconies to be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening leading from the balcony to the tower, such door opening from the building to the balcony and from the balcony to the tower to be not less than thirty inches wide by seventy-two inches high and be equipped with metal lined doors and with a frame and threshold of such door openings constructed of fireproof materials.

Type 5. A fire and smoke tower in every way similar to "type four" of this section, except that instead of the outside balcony there be built a vestibule with enclosing walls continuous with and of the same kind of materials and of the same thickness as the enclosing walls of the fire tower; that the vestibule opening be direct from a public hallway and be equipped with metal-lined doors. The vestibule floor to be of masonry construction. The enclosure to have an opening at each floor through the exterior wall of the building, such opening to extend from the floor to the ceiling and be not less in width than three-fourths of the width of the tower, said opening to be protected with an open metallic balustrade similar to that specified for metallic fire escape balconies.

SEC. 51. In any tenement house or hotel hereafter erected in which there is constructed a fire escape of "type four" or "type five," as prescribed in this act, such fire escape may be used and constructed as a stairway and a fire escape combined: *provided*, that there is at least one other stairway or one other fire escape, constructed in accordance with the provisions of this act, in the said building.

SEC. 52. Every fire escape required by this act shall be located on the building so as to furnish the best means of escape therefrom for the occupants, and at least one such fire escape shall be located on a street front in the case of a semi-fireproof or wooden tenement house or hotel. Every fire escape shall have egress thereto from a public hallway or passageway not less than three feet wide, or such fire escapes in lieu of being located on a public hallway, shall be located so that each apartment in a tenement house and each guest room in a hotel has direct egress thereto without passing through another apartment or room; or if a public parlor,

Type 5.

Combined stairway and fire escape.

Location of fire escapes.

public lobby or similar room is connected directly with the public hallway, corridor or passageway through a clear and unobstructed opening, without doors, then egress may be had thereby to a fire escape. Signs both pointing toward and marking the locations of fire escapes shall be placed on each floor.

Signs.

Strength of
fire escapes

SEC. 53. All parts of each balcony platform of a fire escape shall be designed to carry, in addition to the dead load thereof, a live load of one hundred pounds per square foot over the entire area thereof (using outside dimensions) and the live and dead loads from the ladders or stairs supported thereon.

Each ladder shall be designed to withstand a horizontal pressure of one hundred pounds per square foot.

Each stairway shall be designed to carry, in addition to the dead load thereof, a live load of one hundred fifty pounds per square foot of horizontal projection.

Top rails of balcony balustrades shall be designed to withstand a horizontal pressure of one hundred pounds per lineal foot of railing.

Each balcony shall be independently supported.

All fastenings of fire escape balconies to the building shall be designed to carry twenty-five per cent greater load than the total dead and live loads carried by the balconies. The balcony anchorage shall be direct to the structural steel or iron members of the balustrades and platforms extended into the walls and anchored into the structural work of the building.

The level of the inside sill of the door or window giving access to a fire escape balcony or to the balcony floor shall be not more than thirty inches above the adjoining floor in the building. Every such door or window opening shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height.

Where double-hung windows are used in such openings, the lower sash shall be at least the size of the upper sash and shall slide to the top of such opening. Any lock used on any such window shall be of a type which can be readily opened from the interior of the building without the use of a key or other tool.

The basis for computing floor areas in relation to fire escapes shall be determined in the same manner hereinbefore provided for stairways.

Every fire escape, in or on a tenement house or hotel hereafter erected, or in or on an existing tenement house or hotel, shall at all times be maintained in good order and repair, well painted and clear and unobstructed at all times, and be readily accessible.

Standpipes.

SEC. 54. On every tenement house or hotel hereafter erected four or more stories in height, there shall be provided one or more metallic standpipes. Each such standpipe shall be not less than four inches in internal diameter, and shall have a Siamese inlet valve near the sidewalk or the ground

directly under same, and an outlet valve at each story above the first story and on the roof.

One such standpipe shall be placed on or in the exterior walls of the building at one fire escape, or line of windows where there is no fire escape, on the street frontage, and the outlet valves shall be readily accessible from the balconies of the fire escape or windows.

The inlet and outlet valves on every standpipe shall be threaded and brought to a size which will meet the standard connections of the local fire department of the municipality in which such tenement house or hotel is being erected.

The standpipes required by this section need not be installed in any tenement house or hotel which is situated where there is no running water and where it is not practicable or possible to obtain water for efficient use of such standpipes in case of fire, until such time as it is practicable and possible to obtain running water; and the department charged with the enforcement of this act shall decide whether or not it is possible or practicable to obtain running water.

SEC. 55. In every fireproof tenement house or hotel hereafter erected, every elevator shaft, dumb-waiter shaft or other interior shaft shall be enclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible materials, or shall be constructed of metal studs lathed with metal lath and plastered on both sides so as to make a solid partition not less than two inches thick.

Walls of
elevator
and dumb-
waiter
shafts.

In every semifireproof or wooden tenement house or hotel hereafter erected, every such shaft shall be inclosed by walls constructed as provided by this act for a fireproof building or such walls may be constructed with wood studs, with fire-stops between the studs at each floor and half way between each floor, lathed on both sides with metal lath and plastered not less than three-quarters of an inch thick.

Every opening from any shaft into the building shall be equipped with a metal door and with door frame and trim entirely of metal; or such door and door frame shall be constructed of wood covered with metal on the shaft side thereof, and if there is any glass therein, such glass shall be wired glass not less than one-fourth ($\frac{1}{4}$) inch thick. Every door or window therein shall be made to close tight, and every door except elevator doors therein shall be self-closing.

Openings
from
shaft.

Every window in such shaft shall be of wired glass, not less than one-fourth ($\frac{1}{4}$) inch thick, set in a metal sash or a sash metal covered on the shaft side thereof. At the roof over every elevator shaft there shall be constructed a ventilating skylight or a ventilator with open louvres.

Windows
in shaft.

SEC. 56. In every tenement house or hotel hereafter erected every vent shaft shall be enclosed with walls constructed the same as is required by this act for an elevator shaft in the same class of building. Such a vent shaft may, in a semifireproof or wooden tenement house or hotel be lined on the outside thereof (weather side) with metal in lieu of metal

Walls of
vent
shaft.

lath and plaster; also, that portion of such shaft extending from the ceiling joists to the top thereof may be lined with metal in the same manner as is required for the weather side of such vent shaft.

Every opening from any vent shaft into the building or any window therein, shall be equipped in the same manner as required by this act for elevator shafts in the same class of building.

Plaster on the weather side of any such shaft shall be of Portland cement plaster.

Area of
vent
shaft.

Every vent shaft by this act provided for a tenement house shall be not less than four feet in any direction and be at least sixteen square feet in area; *provided, however*, that a vent shaft that is bounded on one or more sides by a lot line may be not less than two feet in any direction and be at least sixteen square feet in area. If such vent shaft exceeds fifty feet in height, measured from the bottom to the top of the walls of such shaft, then such vent shaft shall throughout its entire height be increased in area one square foot for each additional ten feet or fractional part thereof above fifty feet.

Every vent shaft by this act provided for a hotel shall be not less than thirty inches in its least dimension and contain an unobstructed area of not less than twelve square feet. Every vent shaft shall be open and unobstructed to the sky and at the roof line every vent shaft in a tenement house or hotel shall be provided with parapet wall or rail at least thirty inches in height so constructed that no person may walk in or fall into such shaft.

Air
intake.

Every such vent shaft in a tenement house hereafter erected shall be provided with an air intake or duct at or near the bottom thereof, communicating with the street or yard or a court. Such intake shall be not less than three square feet in total area, and may be divided into not more than three separate ducts running between the joists or otherwise, and shall in all cases be placed as nearly horizontal as possible. Every such intake or duct shall be constructed of approved fire resistive material or shall be of metal or metal lined, and be provided with a wire screen of not less than one inch mesh at each end. Whenever the end of an intake is capped, hooded or otherwise covered, there shall always be provided a clear space of not less than four inches above and between the end of such intake and the lower part of the cap, hood or other covering. Plumbing, gas, steam or other similar pipes may be placed in vent shafts in tenement houses or hotels.

Every vent shaft shall be so arranged as to permit of its being readily cleaned out. The provisions of this section shall not apply to dwellings, nor to tenement houses not exceeding two stories in height designed and constructed with no more than two apartments for use of not more than two families above the second floor thereof, nor to hotels not exceeding two stories in height designed and constructed with no more than six guest rooms for use of no more than six persons on the

second floor thereof; *provided, however*, that any vent shaft constructed in any such buildings shall be not less than eighteen inches in its least dimension and shall be open and unobstructed to the sky.

SEC. 57. The walls of every inner court in a fireproof tenement house or hotel hereafter erected shall be constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible material. In a semifireproof or in a wooden tenement house or hotel such inner court walls, if surrounded on four sides by the walls of the same building, shall be constructed as provided for fireproof buildings or may be of wood studs, with fire stops between the studs at each floor and half way between each floor, lathed on both sides with metal lath and plastered not less than three-quarters inch thick. Plaster on the weather side of such inner court walls shall be Portland cement plaster, or such inner court walls may be lined, on the weather side, with metal of not less than twenty-six gauge, in lieu of metal lath and plaster.

Walls of
inner
court

SEC. 58. In every tenement house or hotel hereafter erected, every boiler used for purposes of heating the building, using fuel other than gas, and every heating furnace or water-heating apparatus, using oil or other fluid fuel, shall be installed in a room, the walls of which room shall be built of concrete, reinforced concrete, brick, stone or concrete or terra cotta tile, not less than six (6) inches thick, and such walls shall extend from the floor of the boiler room to the ceiling over same. The entire ceiling of such room shall be built of similar materials as the walls, or shall be built with a double ceiling, with a space not less than seven-eighths inch between the two ceilings; each ceiling shall be metal lathed and be plastered not less than three-quarters inch thick. The floor of a boiler room shall be of concrete not less than two (2) inches thick.

Boiler
room.

Any door in the wall of such rooms shall be a fire-resisting door, constructed of three (3) thicknesses of seven-eighths ($\frac{7}{8}$) inch by not more than six (6) inches, tongued and grooved, matched redwood boards entirely covered on the sides and edges with lock-jointed tin; every such door shall be self-closing, so hung as to overlap the walls of the room at least three (3) inches, and any glass in any such door or any glass in any window or opening in the walls of a boiler room shall be wired glass, not less than one-fourth ($\frac{1}{4}$) inch thick, set in a metal or metal covered sash.

Doors.

All such doors shall have hinges, hangers, latches and other hardware of wrought iron, bolted to the doors, and shall have steel tracks, when sliding doors are used, with wrought-iron stops and binders bolted through the walls. Swinging doors shall have wall eyes of wrought-iron, built into or bolted through the wall.

Every such boiler room shall have a sill across each door not less than four (4) inches high. Such sill shall be of masonry, and the doors shall overlap same at least three (3) inches, or in lieu of a masonry sill a steel or iron sill may be used, in which

case the bottom of the door shall close tight on top of same. Every swinging door in a boiler room shall open outward from the boiler room.

Where oil or other fluid fuel is burned, the oil or other fluid fuel shall not be fed by a gravity flow.

Walls of
room in
which
automobile
is kept.

SEC. 59. In every tenement house or hotel hereafter erected any portion of such building, in which there is kept or stored any automobile or automobiles, shall be a room, the enclosing partitions of which shall be built of concrete, reinforced concrete, brick, stone, concrete tile or blocks, or terra cotta tile, not less than six (6) inches thick, or may be of wood studs lined on the automobile storage room side with redwood boards not less than seven-eighths ($\frac{7}{8}$) of an inch thick covered with asbestos paper one-eighth ($\frac{1}{8}$) of an inch thick, and then covered with No. 26 (gauge) galvanized iron, or such enclosing partitions may be constructed of studs lathed on both sides with metal lath and plastered with Portland cement plaster not less than three-quarters of an inch thick. Such enclosing partitions shall extend from the floor of the room to the ceiling of the same. The entire ceiling of such room shall be built of material or materials similar to that used in the construction of its walls, or shall be lathed with metal lath and be well plastered not less than three-quarters of an inch thick. The floor of every such room shall be of concrete not less than two (2) inches thick.

Every door, window or other opening in the walls of such room, opening to the interior of the building, shall be protected in the same manner as required by this act for doors, windows and other openings in a boiler room.

Public
garage.

In no tenement house hereafter erected shall any portion of the building be used as a public automobile garage, public automobile repair shop, public machine shop, public gasoline or oil station or store, but in the case of a hotel, hereafter erected, if any portion of the building is used as a public automobile garage, automobile repair shop or machine shop, gasoline or oil station, the room shall be constructed as in this section provided and the ceiling thereof shall be constructed either of masonry, or of a double ceiling lathed with metal lath and with a space between the two ceilings of not less than six inches measured vertically. The lower ceiling shall be suspended with iron or steel channels. In each case each of the ceilings shall be plastered not less than three-quarters of an inch thick.

Fan exhaust
system of
ventilation

SEC. 60. In every hotel hereafter erected the water-closet compartments, bath, toilet or slop-sink rooms, kitchens, sculleries, pantries or other rooms in which food is stored or prepared, public dining rooms, laundries, general amusement, entertainment or reception rooms, and rooms used for similar purposes and general utility rooms, and in every tenement house hereafter erected general amusement, entertainment and reception rooms and general utility rooms, in lieu of being provided with windows, as in this act prescribed, may be provided with a fan exhaust system of ventilation. Such fan

exhaust system of ventilation shall consist of independent exhaust ducts extending from each such room or compartment to the outer air above the highest roof of the building, and such exhaust ducts shall always be connected to an exhaust fan mechanically operated, so designed and operated as to provide a complete change of air in not to exceed fifteen minutes for each room used for the following purposes: kitchens; pantries or other rooms used for cooking, storing or preparing of food; laundries, general amusement, entertainment, reception or dining rooms, or rooms used for similar purposes; general utility rooms; and the said fan exhaust system of ventilation shall be so designed and operated as to provide a complete change of air in not to exceed five minutes for each room used for the following purposes: water-closets; shower compartments; bath, toilet or slop-sink rooms or sculleries.

All of the inlet ducts and exhaust ducts shall be constructed of galvanized iron or other smooth surfaced nonabsorbent material and so arranged that they may be readily cleaned out.

Any person in charge of a building in which a system of fan exhaust ventilation is installed and used as in this section prescribed, who fails, neglects or refuses to operate and maintain the said system of ventilation in good order and repair so that the ventilation (complete change of air) herein specified is provided in each of the rooms or compartments at all times, shall be deemed guilty of a misdemeanor and subject to all of the penalties fixed by this act.

Penalty for failing to keep system in good order.

SEC. 61. Every building hereafter erected shall be constructed in a safe and substantial manner; the materials used therein shall be of substantial stock and of the kinds in this act elsewhere provided; the footings, foundations, walls, joists, studding, girders, columns and all other bearing portions shall be of such sizes and so constructed to safely sustain in all parts all the live and dead loads transmitted thereto. Each floor shall be constructed to safely sustain a live load of not less than forty pounds to each square foot. Each roof shall be so constructed to safely sustain a live load of not less than twenty pounds to each square foot. The loads shall be computed on the basis of at least a factor of safety of four. Schedules for weights of materials, and formulas used for computing loads, shall be of standard recognized practice including those contained in "F. E. Kidders Architects and Engineers Pocket Book," "American Civil Engineers' Pocket Book," and other standard architects and engineers handbooks. For the purposes of this act the term "dead load" shall be deemed to be the weight of the walls, partitions, framing, floors, roofs and similar permanent construction that enters into a building, and the term "live load" shall be deemed to be all other forms of loading in the building including the assumed live loads for floors and roofs above set forth.

Construction of buildings.

In every tenement house or hotel hereafter erected, the studs in every bearing wall and partition shall be not less than two inches by four inches (2" x 4"), and in every such

Studs.

building that exceeds two (2) stories in height the studs in every bearing wall and partition below the second floor thereof shall be not less than two inches by six inches (2" x 6") or the equivalent thereof. Every stud wall and partition shall have fire stops at each floor and ceiling and at approximately half-way between the floor and the ceiling, except that where two (2) inch plates are used the full width of the studs at the floor and ceiling of a wall or partition then the fire stops at the floor and ceiling may be omitted. Each stud wall and partition shall be diagonally braced at each corner and at least once in each twenty-five (25) foot length thereof, except where such exterior walls and partitions are plastered and back-plastered with Portland cement plaster on expanded metal lath reinforcement that weighs not less than three and four-tenths (3.4) pounds to the square yard. Every such partition or wall that is plastered and back-plastered shall be plastered not less than three-quarters ($\frac{3}{4}$) of an inch thick and back-plastered between the studs not less than one-half ($\frac{1}{2}$) of an inch thick in an approved manner so that the expanded metal lath will be thoroughly imbedded in the plaster. Over each bearing partition or wall and at the exterior walls, the space between the floor joists shall be blocked solid with blocks not less than two (2) inches thick and the full depth of the joists. No wooden floor joists less than two inches by eight inches (2" x 8") shall be used to support any floor above the first floor of any such building and such floor joists shall not be spaced more than sixteen (16) inches apart. No span of such two inch by eight inch (2" x 8") floor joist shall exceed fourteen (14) feet. All joists that span more than fourteen (14) feet or that otherwise vary from the foregoing dimensions or that support loads other than the live floor loads, shall be of such sizes as to safely sustain the loads transmitted thereto. No floor joist or other bearing support shall be cut or notched for any purpose unless reinforced to take up the weakness caused thereby. Every span of wooden floor joists shall be cross-bridged with two (2) inch cross-bridging at intervals not more than seven (7) feet apart, and a bearing partition, wall, girder or other support under such joists that is blocked solid over the top thereof between the joists as hereinbefore provided shall take the place of a cross-bridging.

Joists.

Foundation. Wherever the soil conditions make it practicable to do so, every tenement house or hotel hereafter erected shall have a masonry foundation composed of hard incombustible materials and the footings of such foundation shall in no case be less than sixteen (16) inches wide at the bottoms thereof and the foundation walls shall not be less than six (6) inches wide at the tops thereof. The footings of such foundation walls shall not be less than ten (10) inches below the surface of the adjoining ground levels and such foundation walls shall extend at least six (6) inches above the adjoining ground levels. The width of such foundation walls and footings shall be increased

whenever necessary to support additional loads transmitted thereto.

SEC. 62. Every dormitory hereafter constructed, altered, ^{dormitory.} or converted in any building shall be as follows:

(a) In no one dormitory shall there be provided sleeping accommodations for more than twenty persons.

(b) The ceiling height, measured from the finished floor to the finished ceiling shall in no case be less than nine feet in the clear, and in no case shall there be permitted in such dormitory more than one tier of beds; *provided, however*, that in a dormitory in which the clear ceiling height is not less than twelve feet measured between the finished floor and finished ceiling thereof, a double tier of beds may be permitted, i. e., one tier above the other; *provided*, that in no event shall there be less than three feet of clear vertical space between the beds, or tier of beds, nor less than three feet in any horizontal direction between any of the beds, nor less than one foot of clear space between the floor of the room and the underside of the first tier of beds.

(c) In every dormitory there shall be provided windows opening onto a street or a yard or court of the dimensions specified in this act and located on the same lot. The window area shall in no case be less than one-eighth of the superficial floor area in the dormitory, and in the event that a double tier of beds are provided, the said window area shall be doubled.

(d) The frames of beds in every dormitory shall be made of steel or iron or of some other hard, smooth, incombustible and nonabsorbent material.

(e) Every existing dormitory maintained and erected prior to the passage of this act shall be made to conform to the provisions of subsection (a) of this section.

SEC. 63. In any existing tenement house or hotel every ^{Additional} additional room or hallway that is hereafter constructed or ^{rooms.} created may be of the same height as the other rooms or hallways on the same story of such building.

SEC. 64. Every room in a tenement house or hotel erected ^{Windows in} prior to the passage of this act shall, if the said room be here- ^{buildings} after occupied for living or sleeping purposes, have a window ^{erected} upon a street, a yard, a court or upon a shaft not less than ^{prior to} twenty-five square feet in area, which vent shaft shall in no ^{passage} part be less than four feet wide and open and unobstructed, ^{of act.} without roof or skylight over same; except that if such room be located on the top floor of the building, such room may be ventilated by a skylight with fixed louvres directly to the outer air, or may have a window opening upon a vent shaft not less than ten square feet in area, if such window from the room be not more than three feet below the top of the wall of such vent shaft.

Ventilation
of hallways
in buildings
erected
prior to
passage
of act.

Every public hallway in every tenement house or hotel erected prior to the passage of this act, which does not conform to the provisions for public hallways in buildings hereafter erected, shall be provided with light and ventilation to the outer air. Such light and ventilation shall be provided by the placing of windows or skylights, or by making such alterations as in the judgment of the housing department may be deemed necessary to accomplish the result.

Unlawful to
cook in
bathroom,
etc.

Sec. 65. It shall be unlawful for any person to cook or to prepare food, or to permit or suffer any person to cook or to prepare food in any bath, shower, slop-sink or toilet room or water-closet compartment, or in any other place which in the judgment of the department charged with the enforcement of this act, is detrimental to the health of the occupants or the proper sanitation of the building.

Hotel
kitchen.

In a hotel food shall be cooked or prepared in a room or a kitchen designed for that purpose. Floors of kitchens and rooms in which food is stored or prepared in a hotel, shall be made impervious to rats by a layer of concrete not less than one and one-half inches thick or by a layer of sheet tin or iron or similar material.

Unlawful to
sleep in
cellar,
etc.

It shall be unlawful for any person to use for living and sleeping purposes or permit or suffer any person to use for living or sleeping purposes any cellar, bath or shower compartment, slop-sink room, water-closet compartment, or any other room or place which does not comply with the provisions of this act, or which in the judgment of the department charged with the enforcement of this act would be dangerous or prejudicial to life or health by reason of its overcrowded condition or the want of light, windows, ventilation, drainage, or on account of dampness or offensive, obnoxious or poisonous odors.

Lighting
public
hallways,
etc.

Sec. 66. In every tenement house or hotel there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to properly illuminate every public hallway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room, whenever there is insufficient natural light to permit a person to read in any part thereof.

In every tenement house or hotel there shall be installed and kept burning from sunset to sunrise throughout the year artificial light sufficient in volume to properly illuminate every public hallway, passageway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room.

Painting of
sleeping
rooms.

Sec. 67. The walls and ceilings of every sleeping room in every tenement house or hotel shall (except when there is sufficient natural light to permit a person to read in any part thereof during daytime) be calcimined or painted or papered with a light-colored material, and such calcimine, paint or paper, as the case may be, shall be renewed as often as is necessary to maintain the same of a light color and clean and free from vermin.

The walls of courts and shafts, unless built of light-colored materials, shall be painted of a light color or whitewashed, and such painting or whitewashing shall be renewed as often as is necessary to maintain the same of a light color. Not more than two thicknesses of wall paper shall be placed upon any wall, partition or ceiling of any room in any tenement house or hotel. Where any such wall, partition or ceiling has two thicknesses of wall paper thereon the old wall paper shall be first removed therefrom before re-papering. Nothing in this section contained shall prohibit painting or calcimining over wall paper.

Painting of
courts and
shafts.

Sec. 68. Every building shall be maintained in good repair. The roofs shall be kept waterproof and all storm or casual water properly drained and conveyed therefrom to the street sewer, storm drain or street gutter. Every semi-fireproof building and wooden building hereafter erected shall have the roofs thereof constructed and covered and maintained in good repair with materials as in this act hereinbefore provided for semifireproof buildings.

Roofs.

All portions of the lot about the building, including the yards, arcaways, vent shafts, courts and passageways, shall be properly graded and drained; and whenever the department charged with the enforcement of this act deems it necessary, for the protection of the health of the occupants of a tenement house or hotel, or for the proper sanitation of such premises, it may require that the lot, yards, arcaways, vent shafts, courts and passageways be graveled or properly paved and surfaced with concrete, asphalt or similar materials.

Grading
of lots.

Sec. 69. There shall be provided, whenever it is deemed necessary for the health of the occupants of any building or for the proper sanitation or cleanliness of such building, metal mosquito screening of at least sixteen mesh, set in tight-fitting removable sash, for each exterior door, window or other opening in the exterior walls of the building.

Screens.

Sec. 70. There shall be provided for every building, such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be deemed necessary by the department charged with the enforcement of this act, or in lieu of such metal receptacles there may be constructed a garbage chute or shaft approved by the housing department. Such receptacles shall be kept in a clean condition by the occupants or tenants in a tenement house or dwelling, and by the owner or person in charge in the case of a hotel, and in case of a chute or shaft by the person in charge of or in control of the building.

Garbage
cans.

Sec. 71. In every building, every room, hallway, passage-way, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink, or wash-room, plumbing fixture, drain, roof, closet, cellar or basement and the lot, yard, court or any of the premises thereof, shall be kept in every part clean and sanitary and

Premises to
be kept
clean.

free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

No person shall, or permit or cause any person to, deposit any swill, garbage, bottles, ashes, cans or other improper substances in any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or in any plumbing fixture connection or drain therefrom, or otherwise to obstruct the same, or to place or cause or permit to be placed any filth, urine or other foul matter in any place other than the place provided for same, or to keep or cause or permit to be kept any urine or filth or foul matter in any room or apartment or in or about the building or premises thereof, for such length of time as to create a nuisance.

Beds to be kept in sanitary condition.

SEC. 72. In every tenement house or hotel, every part of every bed, including the mattress, sheets, blankets and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matter, in or upon the same, and free from the infection of lice, bedbugs or other insects. In a hotel the bed linen shall be changed as often as a new guest occupies the bed. No roller or public towel shall be kept or maintained for the common use of a hotel.

Storage of dangerous articles.

SEC. 73. In no tenement house or hotel or any part thereof, or in the lot, yard, court or any portion thereof, shall there be kept, stored or handled any article dangerous or detrimental to life or to the health of the occupants thereof; nor shall there be stored, kept or handled any feed, hay, straw, excelsior, cotton, paper stock, rags or junk, except upon a written permit so to do, obtained from the fire commissioner or other department authorized to issue such permit. Every such permit shall be deemed to be a public record, made in duplicate, and a copy thereof shall remain on file in the office of the fire commissioner or department issuing same.

Animals not to be kept.

SEC. 74. No horse, cow, calf, swine, sheep, goat, rabbit, mule, chicken, pigeon, goose, duck or other poultry shall be kept in any building or any part thereof; nor shall any such animal or poultry, nor shall any stable be kept or maintained within twenty feet of any window or door of such building.

Bakery.

No bakery or place of business in which fat is boiled shall be constructed or maintained in any tenement house, unless the ceilings and side walls of the place in which fat is boiled is constructed of approved fire resistive materials, with no openings connecting into the tenement house, and so separated and arranged as to prevent odors from entering such building.

Janitor.

SEC. 75. In every tenement house in which eight (8) or more families reside, or hotel in which there are twelve or more guest rooms, and in which the owner does not live, there shall be a janitor, housekeeper or other responsible person, who shall reside in such tenement house or hotel or on the same lot or premises thereof and have charge of same.

Proceedings to prevent unlawful construction.

SEC. 76. In case any tenement house, hotel or dwelling or any part thereof, is constructed, altered, converted or maintained in violation of any of the provisions of this act or of

any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such tenement house, hotel, or dwelling, or upon the lot on which it is situated, said department may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said tenement house, hotel or dwelling, to prevent any illegal act, conduct or business in or about such tenement house, hotel or dwelling or lot. In any such action or proceeding said department may, by affidavit setting forth the facts, apply to the superior court, or to any judge thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such tenement house, hotel, or dwelling, or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said department is not complied with, said department may apply to the superior court or to any judge thereof, for an order authorizing said department to execute and carry out the provisions of said notice or order, to remove any violation specified in said order or notice, or to abate any nuisance in or about such tenement house, hotel, dwelling, building or structure, or the lot upon which it is situated. The court, or any judge thereof, is hereby authorized to make any order specified in this section. In no case shall the said department or any officer thereof or the municipal corporation be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

Sec. 77. Every fine imposed by judgment under section six of this act upon a tenement house, hotel or dwelling owner shall be a lien upon the building or house in relation to which the fine is imposed, from the time of the filing of a certified copy of said judgment in the office of the recorder of the county in which said tenement house, hotel or dwelling is situated, subject only to taxes and assessments and water rates, and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department charged with the enforcement of the provisions of this act, upon the entry of such judgment, to file forthwith the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Sec. 78. In any action or proceeding instituted by the department charged with the enforcement of this act, the plaintiff or petitioner may file, in the county recorder's office of the county where the property affected by such action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such

Fine a
lien.

Notice of
pendency
of action.

notice shall have the same force and effect as the notice of pendency of action provided for in the Code of Civil Procedure. Each county recorder with whom such notice is filed shall record it and shall index it in the name of each person specified in a direction subscribed by an officer of the department instituting such action or proceeding. Any such notice may be vacated upon the order of a judge of the court in which such action or proceeding was instituted or is pending. The recorder of the county where such notice is filed is hereby directed to mark such notice, and any record or docket thereof as canceled of record, upon the presentation and filing of a certified copy of such order.

Notice filed by owner or lessee of tenement house or hotel describing property.

SEC. 79. In every incorporated town, incorporated city, and incorporated city and county every owner of a tenement house or hotel and every lessee of the whole of a hotel or tenement house, or other person having control of a tenement house, or hotel, shall file in the housing department a notice, containing his name and address, and also a description of the property, by street and number and otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments in a tenement house, and the number of rooms in a hotel. In case of a transfer of any tenement house, or hotel, it shall be the duty of the grantee of said tenement house or hotel to file in the housing department a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of the said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in the case of devolution of such property by inheritance without a will, it shall be the duty of the heirs, or in case all the heirs are under age, it shall be the duty of the administrator of the deceased owner of said property, to file in said department a notice, stating the death of said owner and the names of those who have succeeded to his interests, within thirty (30) days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will, if he died testate.

Notice giving name and address.

SEC. 80. In every incorporated town, incorporated city, and incorporated city and county every owner, agent or lessee of a tenement house or hotel shall file in the housing department a notice containing the name and address of such agent of such house, for the purpose of receiving service of process, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

Filing of notices.

SEC. 81. The names and addresses filed in accordance with sections seventy-nine and eighty hereof shall be indexed by the

housing department in such a manner that all of those filed in relation to each tenement house or hotel shall be together and readily ascertainable. Said indices shall be public records, open to public inspection during business hours.

SEC. 82. Every notice or order in relation to a tenement house, hotel or dwelling shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Service of notice.

SEC. 83. In any action brought by any department charged with the enforcement of this act in relation to a tenement house, hotel or dwelling, for injunction, vacation of the premises or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as notices and orders are served under the provisions of the Code of Civil Procedure.

Service of summons.

SEC. 84. The provisions of this act shall be held to be the minimum requirements adopted for the protection, the health and the safety of the community, and for the protection, the health and the safety of the occupants of tenement houses, hotels and dwellings. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, incorporated city and county, or county, from enacting, from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates, or other papers required by this act; but no ordinance, law, regulation or ruling of any municipal or county department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

Minimum requirements.

Power of local authorities.

All statutes of the state and all ordinances of incorporated towns, incorporated cities, incorporated cities and counties, and counties, as far as inconsistent with the provisions of this act are hereby repealed; *provided*, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance of any incorporated town, incorporated city, incorporated city and county, or county in the state which further restricts, the percentage of the lot to be covered by a building, the number of stories or height of a building or number of apartments or rooms therein, or the occupation thereof, the materials to be used in the construction, or that increase the size of the yards or courts, or the requirements as to sanitation, ventilation, light and protection against fire

Repeal of inconsistent statutes and ordinances.

Exceptions.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city, incorporated city and county, or county, by ordinance or law, to further restrict, the percentage of the lot to be covered by a building within said municipality, the number of stories or height of a building or number of apartments or rooms therein, the occupation thereof, the materials to be used in the construction, or to

increase the size of the yards or courts, or the requirements as to sanitation, ventilation, light and protection against fire.

Constitutionality.

SEC. 85. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 86. This act shall take effect and be in force from and after September 1, 1921.

Stats. 1917,
p. 1478,
repealed.

SEC. 87. The act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses, and the maintenance, use and occupancy of the premises and land on which tenement houses are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, and repealing an act entitled 'An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof,' approved April 16, 1909, Statutes of California of 1909, page 948," approved April 10, 1911, Statutes of California of 1911, page 860, and approved June 13, 1913, Statutes of California, 1913, page 737, and approved May 29, 1915, Statutes of California, page 952, and all acts amendatory thereof," approved May 31, 1917, Statutes of California of 1917, page 1473, is hereby repealed.

Stats. 1917,
p. 1422,
repealed.

The act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, Statutes of California of 1913, page 1429, and approved May 31, 1917, Statutes of California of 1917, page 1422," is hereby repealed.

Stats. 1917,
p. 1406,
repealed.

The act entitled "An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings, and the maintenance, use and occupancy of the premises and land on which dwellings are

created or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof, and approved May 31, 1917, Statutes of California of 1917, page 1461," is hereby repealed.

CHAPTER 355.

An act to amend section one thousand thirty-two of the Political Code, relating to inspection of public records.

[Approved May 19, 1921. In effect July 29, 1921.]

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

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

1032. The public records and other matters in the office of any officer, are at all times, during office hours, open to inspection of any citizen of this state. In cases of attachment the clerk of the court with whom the complaint is filed shall not make public the fact of the filing of such complaint, or of the issuance of such attachment, until after the filing of the return of service of the writ of attachment.

CHAPTER 356.

An act to add a new section to the Political Code to be numbered four thousand one hundred thirty-one a, relating to the recording of instruments in the offices of county recorders.

[Approved May 19, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand one hundred thirty-one a, and to read as follows:

4131a. When an instrument intended for record is executed or certified in whole or in part in any other language than the English language, recorders are not required to accept such instrument for record; *provided, however,* that a translation in English of an instrument executed or certified in whole or in part in any other language than the English language may be presented to the judge of a court of record, and upon verification that such translation is a true translation such judge shall duly make certification of such fact under seal of the court, and shall attach such certification to such translation, and shall also attach such certified translation to the original instrument. For such verification and

certification a fee of fifty cents shall be paid for each folio contained in such translation. Such attached original instrument and certified translation may be presented to the recorder, and upon payment of the usual fees the recorder shall accept and permanently file the same and shall also record the certified translation. The recording of such certified translation shall give notice and be of same effect as the recording of an original instrument. Certified copies of said recorded translation may be recorded in other counties, with like effect as the recording of the original translation.

CHAPTER 357.

An act to amend sections one thousand four hundred twelve, one thousand four hundred thirteen, one thousand four hundred fifteen and one thousand four hundred seventeen of the Code of Civil Procedure, relating to special administrators.

[Approved May 20, 1921. In effect July 29, 1921.]

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

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

Appoint-
ment of
special
adminis-
trators.

1412. The appointment may be made at any time upon such notice to such of the persons interested in the estate as the court may deem reasonable. After the person appointed has given bond, the clerk must issue special letters of administration to such person.

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

Preference
in appoint-
ment.

1413. In making the appointment of a special administrator the court must give preference to the person entitled to letters testamentary, or of administration, but no appeal may be taken from such order.

SEC. 3. Section one thousand four hundred fifteen of the Code of Civil Procedure is hereby amended to read as follows:

Powers and
duties.

1415. The special administrator must collect and preserve for the executor or administrator, all the goods, chattels, debts, and effects of the decedent, all incomes, rents, issues and profits, claims, and demands of the estate; must take the charge and management of, enter upon, and preserve from damage, waste and injury, the real estate, and for any such and all necessary purposes may commence and maintain or defend suits and other legal proceedings as an administrator; he may sell such perishable property as the court may order to be

sold, and exercise such other powers as are conferred upon him by his appointment, but except when appointed with the powers, duties and obligations of a general administrator, as hereinafter provided, he is not liable to an action by any creditor on a claim against the decedent. The special administrator may commence and maintain all proceedings, do all acts, and apply for and obtain all orders and decrees, authorized and provided for, in or by article five of chapter seven of title eleven of part third of this code, in the same manner and with like effect as an executor or administrator. When a special administrator is appointed pending determination of a contest of a will instituted prior to the probate thereof, or pending an appeal from an order appointing, suspending or removing an executor or administrator, such special administrator shall have the same powers, duties and obligations as a general administrator, and the letters of administration issued to him shall recite that such special administrator is appointed with the powers of a general administrator.

SEC. 4. Section one thousand four hundred seventeen of the Code of Civil Procedure is hereby amended to read as follows:

1417. The special administrator must render an account ^{Account.} on oath of his proceedings in like manner as other administrators are required to do. His fees and those of his attorney shall be fixed by the court; *provided, however,* that the total fees paid to the special administrator and executor, or to the special administrator and general administrator of an estate must not, together, exceed the sums provided for in section one thousand six hundred eighteen of this code, including the further allowance therein provided; and that the total fees paid to the attorneys both of the special administrator and executor, or of the special administrator and general administrator, must not, together, exceed the sums provided for in section one thousand six hundred nineteen of this code, including the further allowance therein provided. And when the same person does not act as both special administrator and executor, or as special administrator and general administrator, of the estate, such fees shall be divided between the special administrator and executor, or between the special administrator and general administrator of the estate, in such proportions as the court shall determine to be just and reasonable. And when the same attorney does not act for both the special administrator and executor, or for the special administrator and general administrator of the estate, such fees shall be divided between the attorneys in such proportion as the court shall determine to be just and reasonable. ^{Fees.}

CHAPTER 358.

An act to amend section two hundred seventy-five of the Code of Civil Procedure, relating to the admission of persons as attorneys and counselors in this state.

[Approved May 20, 1921. In effect July 29, 1921.]

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

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

Admission
of attorneys.

275. Any citizen of the United States, residing within this state, of the age of twenty-one years, of good moral character, and who possesses the necessary qualifications of learning and ability, is entitled to admission as attorney and counselor in all of the courts of this state; *provided, however*, that all persons who are aliens, and who have, at the time of the taking effect of this act, been admitted as attorney and counselor and have not secured their final papers of citizenship, shall within six months after becoming entitled to final papers of citizenship be required to secure final citizenship papers, and in case of their neglect, or failure so to do, any certificate or license to practice law heretofore issued to such alien persons shall after one year from date of the taking effect of this act, forfeit and become null and void, and the clerk of the supreme court shall forthwith revoke the same.

Aliens.

CHAPTER 359.

An act authorizing the state department of engineering to exchange approximately one and five-tenths acres of land belonging to the state near Castaic station, Los Angeles county, for approximately three and nine-tenths acres of land belonging to the Newhall Land and Farming Company, a corporation, near Saugus in said county.

[Approved May 20, 1921. In effect July 29, 1921.]

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

Exchange
of land
between
state and
Newhall
Land and
Farming
Company
authorized.

SECTION 1. The state department of engineering is hereby authorized and empowered to arrange the exchange of that certain triangular piece or parcel of land located in the county of Los Angeles, State of California, more particularly described as follows, to wit: A triangular parcel of land in rancho San Francisco as recorded in book 1 of patents, page 514, records of Los Angeles county, California, near Castaic station on the Southern Pacific Railroad and bounded as follows: on the east and south by the Southern Pacific Railroad right of way as per deed recorded in book 1227, page

245; on the west by the easterly boundary line of the Castaic canyon road as recorded in book 4230, page 1; on the north by the southerly boundary line of the state highway right of way as recorded in deed book 6055, page 286, all records of Los Angeles county, California; excluding from the above described parcel which contains one and thirty-five hundredths acres more or less, a strip of land for county road described as follows: A strip of land fifty feet wide, being that portion of the rancho San Francisco, as shown on map recorded in book 1, pages 521 and 522, of patents, records of Los Angeles county, conveyed to the State of California by a deed recorded in book 6418, page 120, of deeds, records of said county, which lies twenty-five feet each side of the following described center line: beginning at the intersection of the center line of the Castaic canyon road, conveyed to the county of Los Angeles by a deed recorded in book 4230, page 1, of deeds, records of said county, with the northeasterly prolongation of the center line of the Saugus and Ventura road, conveyed to the county of Los Angeles by a deed recorded in book 6027, page 288, of deeds, records of said county; thence northeasterly along the northeasterly prolongation of the center line of the said Saugus and Ventura road, a distance of one hundred fifty-three and twenty-eight hundredths feet to the beginning of a curve concave to the southeast, having a radius of three hundred feet and tangent to said last mentioned line; thence northeasterly along said curve, a distance of two hundred fourteen and seventeen hundredths feet to the center line of that certain highway conveyed to the State of California by a deed recorded in book 6055, page 286, of deeds, records of said county; for a piece or parcel of land located in said county of Los Angeles belonging to The Newhall Land and Farming Company, a corporation, and more particularly described as follows, to wit: An irregular parcel of land in rancho San Francisco as recorded in book 1 of patents, page 514, records of Los Angeles county, California, said tract being about one-half mile north of Saugus and bounded as follows: on the north and west by the right of way granted to Los Angeles county for the Mint canyon road as recorded in deed book 6322, page 19; on the south and east by the right of way of the Southern Pacific Railroad Company, valley division, as recorded in deed book 1235, page 2, between Southern Pacific engineers' station 1752+56.0 and station 1767+58.9; all records of Los Angeles county, California, said parcel containing three and nine-tenths acres more or less. The governor of the State of California is hereby empowered, upon the request of the state department of engineering, and for and on behalf and in the name of the State of California, to execute and acknowledge a good and sufficient grant deed conveying said triangular piece or parcel of land owned by the State of California and

Exchange
of land
between
state and
Newhall
Land and
Farming
Company
authorized.

hereinbefore more particularly described to The Newhall Land and Farming Company, a corporation, its successors or assigns, and the state department of engineering is hereby empowered to deliver said grant deed to said The Newhall Land and Farming Company, a corporation, its successors or assigns, upon the receipt by said state department of engineering of a good and sufficient deed duly executed and acknowledged by The Newhall Land and Farming Company, its successors or assigns, conveying all right, title and interest in fee simple, free and clear from all incumbrances, to the State of California in and to the piece or parcel of land belonging to The Newhall Land and Farming Company, as hereinbefore more particularly described.

CHAPTER 360.

An act to amend section two hundred seventy-nine of the Code of Civil Procedure, relating to attorneys of other states admission.

[Approved May 20, 1921. In effect July 29, 1921.]

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

SECTION 1. Section two hundred seventy-nine of the Code of Civil Procedure is hereby amended so as to read when amended as follows:

Admission
of attorneys
from other
states and
countries.

279. Every citizen of the United States residing in this state who has been admitted to practice law in the highest court of a sister state, or of a foreign country, where the common law of England constitutes the basis of jurisprudence, and who has been engaged in actual practice in such state or foreign country for a period of at least three years, may be admitted to practice in all the courts of this state, by any district court of appeal, upon the production of his license, and satisfactory evidence that his license has not been revoked and that he is of good moral character, and that he has been so engaged in actual practice in such state or foreign country for a period of at least three years; but the court shall before admitting any such person to practice require an investigation and report by the board of bar examiners as to his moral and other qualifications, unless the court shall otherwise direct in a particular case. In all cases in which such investigation and report shall be required, the applicant shall pay to the clerk of the district court of appeal to which he presents his application, as a fee for such investigation, the sum of fifteen dollars. Such fee must be paid into the state treasury to the credit of the bar examinations fund and disbursed, accounted, settled and charged for in the same manner as provided by law for other fees collected by said clerk, and as provided in section two hundred seventy-six *a* of this code.

CHAPTER 361.

An act relating to tuition fees in the Leland Stanford Junior University.

[Approved May 20, 1921. In effect July 29, 1921.]

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

SECTION 1. The trustees of the Leland Stanford Junior University are hereby authorized to charge residents and non-residents of this state, fees for tuition, as may be necessary for the administration of the affairs of the university.

Tuition fees
at Stanford
University
authorized.

CHAPTER 362.

An act to add a new section to be numbered one thousand three hundred ninety-four and one-half of the Political Code, relating to fees and rates of tuition of nonresident students of the University of California.

[Approved May 20, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered one thousand three hundred ninety-four and one-half, and to read as follows:

Tuition fees
for non-
resident
students at
University of
California.

1394½. An admission fee and rate of tuition fixed by the board of regents must be required of each nonresident student. The board of regents shall cause to be computed the actual cost to the university of maintaining one student in each of the respective courses of the several colleges for the period of one year. Each nonresident student shall be required to pay as the rate of tuition the sum provided for by the above computation for the particular course such student is following; *provided*, that the maximum sum to be paid shall not exceed five hundred dollars; *and provided, further*, that such sum may be remitted in whole or in part in the case of graduate students in other than professional colleges and schools. A nonresident student as used in this section shall mean any person who has not for more than one year immediately preceding his entrance into the university been a bona fide resident of the State of California.

CHAPTER 363.

An act providing for the joint exercise of powers by counties, by municipalities or by municipalities and counties.

[Approved May 20, 1921. In effect July 29, 1921.]

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

Joint
exercise of
powers by
counties
and municipal-
ities.

SECTION 1. Two or more counties, two or more municipalities or one or more municipalities and one or more counties, by agreement entered into respectively by them and authorized by their legislative bodies, may jointly exercise any power or powers common to the several contracting parties.

Agreements.

SEC. 2. Such agreements shall state the purpose of the agreement or the power to be exercised and provide for the method by which the purpose sought shall be accomplished or the manner in which the power shall be exercised.

Funds.

SEC. 3. The parties to such agreement may provide that contributions from the treasuries may be made for the purpose for which the agreement was entered into or payments of public funds shall be made to defray the cost thereof which funds may be made to and disbursed by such agency as may be agreed upon; *provided, however*, that the method of disbursement shall agree as far as the same is practicable with the method provided by law for the disbursement by the parties to such agreement. Strict accountability of all funds and report of all receipts and disbursements shall be provided for.

Term.

SEC. 4. Such agreements may be continued for a definite term or until rescinded or terminated and may provide for the method by which the same may be rescinded or terminated by any of the parties thereto.

Disposition
of property
and surplus.

SEC. 5. Such agreement shall provide for the disposition, division or distribution of any property acquired as the result of such joint exercise of powers, and the return of any surplus moneys on hand after the purpose thereof shall be completed in proportion to the contributions made.

CHAPTER 364.

An act to amend section seven hundred thirty-eight of the Code of Civil Procedure, relating to actions to quiet title to real and personal property.

[Approved May 23, 1921. In effect July 20, 1921.]

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

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

Action to
quiet title
to real and
personal
property.

738. An action may be brought by any person against another who claims an estate or interest in real or personal

property, adverse to him, for the purpose of determining such adverse claim; *provided, however*, that whenever in an action to quiet title to, or to determine adverse claims to, real or personal property, the validity or interpretation of any gift, devise, bequest or trust, under any will, or instrument purporting to be a will, whether admitted to probate or not, shall be involved, such will, or instrument purporting to be a will, is admissible in evidence; and all questions concerning the validity of any gift, devise, bequest or trust therein contained, save such as under the constitution belong exclusively to the probate jurisdiction, shall be finally determined in such action; *provided*, that if the said will shall have been admitted to probate and interpreted by a decree of the superior court sitting in probate which decree has become final such interpretation shall be conclusive as to the proper construction of said will, or any part thereof, so construed, in any action under this section; *and provided, however*, that nothing herein contained shall be construed to deprive a party of the right to a jury trial in any case where, by the law, such right is now given.

CHAPTER 365.

An act to amend an act, known as the "water commission act," approved June 16, 1913, amending section thirty-seven thereof and adding thereto five new sections, to be numbered thirty-seven a, thirty-seven b, thirty-seven c, thirty-seven d, thirty-seven e, relating to the distribution of water and providing for the appointment of water masters and defining their duties.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section thirty-seven of an act known as the "water commission act," approved June 16, 1913, is hereby amended to read as follows: Stats. 1913, p. 1082, amended.

Sec. 37. The state water commission shall divide the state into water districts to be so constituted and adjusted as to insure the most practical and economical supervision of the distribution of water on the part of the state, and shall have authority to make such reasonable regulations to secure distribution of water in accordance with the determined rights as may be needed. Said water districts shall be created from time to time as the claims to water shall be determined by adjudication of court either under the procedure provided for in the water commission act, or otherwise, and thereafter changed from time to time as convenience of administration may require. Division of state into water districts.

SEC. 2. A new section is hereby added to said act, to be numbered section thirty-seven *a*, and to read as follows:

Appointment
of water
master.

SEC. 37*a*. Upon written request of the owners or governing bodies of at least fifteen per cent of the conduits, ditches, pipe lines and other means of diversion lawfully entitled to directly divert water from the streams or other sources of water supply in any water district, the state water commission may, if in its discretion necessity therefor exists, appoint one or more water masters for such water district. The state water commission may from time to time discontinue water master service in any water district, if necessity therefor ceases, and revive the same whenever and as frequently as necessity exists. The water master shall be properly qualified and shall perform the duties imposed on him by this act as an employee under the general supervision and control of the state water commission. It shall be the duty of the water master to divide the waters of the streams, or other sources of supply, among the several conduits, ditches, pipe lines and other means of diversion (all of which are hereafter referred to as conduits) and reservoirs taking water therefrom, and so to adjust or close the headgates of conduits and regulate the controlling works of reservoirs, as may be necessary to insure a distribution of the water thereof among the water users entitled to its use, according to the rights of such water users as determined by court adjudication either under the procedure provided for in the water commission act or otherwise and permits and licenses issued by the state water commission after such adjudication; *provided*, that any person who may be injured by the action of any water master, shall have the right to appeal to the superior court of the county in which the injury takes place, for an injunction; such injunction to be issued only in case it can be shown at the hearing that the water master has failed to carry into effect decrees of the court or permits or licenses of the state water commission as in this section provided. Whenever, in the pursuance of his duties, the water master regulates a headgate to a conduit or the controlling works of reservoirs, it shall be his duty to attach to such headgate or controlling works a written notice properly dated and signed setting forth the fact that such headgate or controlling works has been properly regulated and is wholly under his control, and such notice shall be a legal notice to all parties interested in the diversion and distribution of the water of such conduit or reservoir.

SEC. 3. A new section is hereby added to said act, to be numbered section thirty-seven *b*, and to read as follows:

Penalty for
opening
headgate,
etc.

SEC. 37*b*. Any person who shall wilfully and without authority open, close, change or interfere with any headgate, water box or measuring device while under the control of the water master, or who shall wilfully take or use water which has been denied him by the water master under the provisions of this act, shall be deemed guilty of a misdemeanor. The possession or use of water when the same shall have been so denied

him by the water master shall be prima facie evidence of the guilt of the person using it.

Sec. 4. A new section is hereby added to said act, to be numbered section thirty-seven c, and to read as follows:

Sec. 37c. The owner of any conduit subject to regulation by a water master as provided by section thirty-seven a of this act shall construct and maintain to the satisfaction of the state water commission a substantial and serviceable headgate or diversion works, at or near the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the water masters and such owners shall construct and maintain, when required by the state water commission, suitable measuring devices at such points along such ditch as may be necessary for the purpose of assisting the water master in determining the amount of water that is to be diverted into said conduit from the stream. Any and every owner or manager of a reservoir located across or upon the bed of a natural stream or of a reservoir which requires the use of a natural stream channel, subject to regulation by a water master as provided by section thirty-seven a of this act shall construct and maintain, when required by the state water commission, a measuring device of a plan to be approved by the state water commission, below such reservoir, and a measuring device above such reservoir on each or every stream or source of supply discharging into such reservoir, for the purpose of assisting the state water commission or water master in determining the amount of water to which appropriators are entitled and thereafter diverting it for such appropriator's use. If any such owner or owners of water works shall refuse or neglect to construct and put in such headgate or measuring devices after thirty days notice, the water master may close such ditch, and the same shall not be opened or any water diverted from the source of supply, under the penalties prescribed by law for the opening of headgates lawfully closed until the requirements of the state water commission as to such headgates or measuring device have been complied with, and if any owner or manager of a reservoir located across the bed of a natural stream, or of a reservoir which requires the use of a natural stream channel, shall neglect or refuse to put in such measuring devices after thirty days notice by the state water commission, the water master may open the sluice gate or outlet of such reservoir and the same shall not be closed, except by order of the state water commission, under the penalties of the law for changing or interfering with headgates, until the requirements of the state water commission as to such measuring devices are complied with.

Sec. 5. A new section is hereby added to said act, to be numbered section thirty-seven d, and to read as follows:

Sec. 37d. The water master shall have the power to arrest any person violating any of the provisions of sections thirty-seven b, and thirty seven c of this act, and to give him into the

Owners to maintain headgates and measuring devices.

Power of water master to arrest.

custody of the sheriff, or other competent police officer within the county, and immediately thereafter make complaint before a magistrate against the person so arrested.

SEC. 6. A new section is hereby added to said act, to be numbered section thirty-seven e, and to read as follows:

Penalties.

Sec. 37e. Any person violating any of the provisions of sections thirty seven b and thirty-seven c of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars, nor more than two hundred fifty dollars, or imprisoned in the county jail not less than ten days nor more than six months, or by both such fine and imprisonment.

CHAPTER 366.

An act to amend section one of an act entitled "An act to secure to native-born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county and city government in this state, except in certain schools, to validate certain acts, and to repeal all acts in conflict herewith," approved May 19, 1915.

*[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1915,
p. 690,
amended.

SECTION 1. Section one of an act entitled "An act to secure to native-born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county and city government in this state, except in certain schools, to validate certain acts, and to repeal all acts in conflict herewith," approved May 19, 1915, is hereby amended to read as follows:

Allens
barr'd
from public
service.

Section 1. No person except a native-born or naturalized citizen of the United States shall be employed in any department of the state, county, city and county or city government in this state; *provided, however*, that the prohibitions of this act shall not apply (a) to the employment as a member of the faculty or teaching force in public schools of this state nor in schools supported in whole or in part by the state of any person who has declared his intention to become a citizen of the United States, nor of any native-born woman of the United States who has married a foreigner; (b) to any member of the faculty or teaching force of any college or university supported in whole or in part by the state; (c) to any specialist or expert temporarily employed by any department of the state or any county, city and county, or city, and engaged in special investigation; (d) in an emergency when it is necessary to protect life, health or property against fire, flood or other calamity arising from natural causes.

CHAPTER 367.

An act to amend section one of an act entitled "An act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, as amended.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one of an act entitled "An act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, as amended, is hereby amended to read as follows:

Stats. 1889,
p. 70,
amended.

Section 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to order the opening, extending, widening, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose. One or more streets, squares, lanes, alleys, courts or places may be included in one proceeding.

One or more
streets
included in
proceeding.

CHAPTER 368.

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

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section seventeen of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon

Stats. 1911,
p. 737,
amended

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

Advance of
incidental
expenses.

Sec. 17. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, for payment by him, the cost of publication of the notices, resolutions, orders and matters required under the proceedings prescribed in this act, and of such other notices as may be deemed requisite by the city council, together with all other incidental expenses incurred up to the time of entering into the contract. And in case the work is abandoned by the city before the letting of the contract the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury.

CHAPTER 369.

An act to provide for the exclusion of any portion of the lands embraced within a subdivision or tract of land and for the alteration or vacation of recorded maps or plats thereof and repealing an act entitled "An act to provide for the exclusion of any portion of the lands embraced within a subdivision or tract of land and for the alteration or vacation of recorded maps or plats thereof," approved May 7, 1919.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Exclusion of
land from
subdivision.

SECTION 1. Upon the application of the owners of at least two-thirds of the area of the land included within the boundaries of any tract or subdivision of land described in a recorded map or plat, or of that portion thereof sought to be excluded, where application is made to vacate a portion of any subdivision or tract, the superior court of the county or city and county wherein such land is situated, may cause all or any portion of such land to be excluded from the subdivision or tract and the recorded map or plat thereof to be altered or vacated as hereinafter provided.

Application.

SEC. 2. The application provided for in section one hereof shall be made by filing in the office of the county clerk of the county or city and county in which the tract or subdivision, or that portion of the land sought to be excluded, is situated, a petition signed and verified by the owners of at least two-thirds of the total area of the land included within the

Petition.

boundaries of the tract or subdivision, or of that portion thereof sought to be excluded, where application is made to vacate a portion of such subdivision or tract, as shown on the recorded map or plat, praying that all or such portions of the land included within such subdivision or tract as are described shall be excluded therefrom. Such petition shall also show the reasons therefor. The land sought to be excluded shall be accurately and distinctly described by reference to the recorded map or plat or by an accurate survey. The petition shall further show the names and addresses of all other owners of the land in the subdivision or tract, or of that portion thereof sought to be excluded, where application is made to vacate a portion of such subdivision or tract, so far as the same are known to the petitioners.

SEC. 3. Upon the filing of a petition as hereinbefore provided, any judge of the superior court of the county or city and county wherein such land is situated, shall make an order directing the clerk of such court to give notice of the filing of such petition. Said notice shall be for not less than thirty, nor more than fifty, days as shall be by such judge directed, by publication in some newspaper of general circulation within the county, or city and county, or if there is no newspaper published therein, by posting in three of the principal places in the county or city and county. Such notice shall contain a statement of the nature of the petition together with a direction that any person may file his objection to the petition, in writing, at any time before the expiration of the time of posting or publication.

Notice of filing.

SEC. 4. When the time of posting or publication has expired there shall be filed with the clerk of the superior court an affidavit showing the posting or publication, whereupon the court may, if no objection has been filed, proceed without further notice to hear the application. If upon such hearing the petitioners shall produce to said court satisfactory evidence of the necessity of the exclusion of said lands, and that the owners of two-thirds of the area of the land included within such tract or subdivision, or of that portion thereof sought to be excluded, where application is made to vacate a portion of such subdivision or tract, are such petitioners, and that there is no reasonable objection to making such exclusion, the court may proceed to exclude the lands sought to be excluded by the petition, and alter or vacate any recorded map or plat thereof, and enter its decree accordingly.

Hearing.

SEC. 5. If objection is made to the petition which, in the judgment of the court is material, the court shall proceed to hear such objection and may adjourn the proceedings to such time as may be necessary upon proper notice to the petitioners.

Objection.

SEC. 6. The exclusion of any territory herein provided for or the alteration or vacation of any recorded map or plat, shall not affect or vacate the whole or any part of any public highway. The exclusion of any land herein provided for or the alteration or vacation of any recorded map or plat, shall be complete with the filing in the office of the county recorder of the county or city and county in which such land is situated,

Public highway not affected.

Filing decree.

of a copy of the decree of the superior court. The county recorder shall make upon the face of any such recorded map or plat a memorandum stating briefly that such recorded plat has been altered or vacated, whichever the case may be, and giving the date and reference of such decree.

New map.

SEC. 7. In case any land has been excluded and any map or plat altered pursuant to the provisions of this act, a new map or plat shall be filed with the county recorder in the manner provided by law showing the boundaries of such subdivision or tract as same appears after the exclusion and alteration.

Stats. 1919,
p. 329,
repealed.

SEC. 8. An act of the legislature of the State of California entitled "An act to provide for the exclusion of any portion of the lands embraced within a subdivision or tract of land and for the alteration or vacation of recorded maps or plats thereof," approved May 7, 1919, is hereby repealed.

CHAPTER 370.

An act to regulate the control of smallpox and vaccination and to repeal an act entitled "An act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto making violations of its provisions a misdemeanor, providing penalties, and repealing an act entitled 'An act to encourage and provide for a general vaccination in the State of California,' approved February 20, 1889," approved March 7, 1911.

[Approved May 23, 1921. In effect July 20, 1921.]

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

Control of
smallpox.

SECTION 1. The control of smallpox shall be under the direction of the state board of health, and no rule or regulation on the subject of vaccination shall be adopted by school or local health authorities.

Stats. 1911,
p. 395,
repealed.

SEC. 2. An act entitled "An act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto making violations of its provisions a misdemeanor, providing penalties, and repealing an act entitled, 'An act to encourage and provide for a general vaccination in the State of California,' approved February 20, 1889," approved March 7, 1911, is hereby repealed.

CHAPTER 371.

An act to amend section two thousand one hundred sixty-nine of the Political Code, relating to the attendance, examination, fees and expenses of witnesses at hearings of persons charged with being insane.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

2169. The judge of the superior court may for any hearing order the clerk of the court to issue subpoenas and compel the attendance of witnesses from any place within the boundaries of this state; *provided, however, that no person is obliged to attend as a witness in such a hearing out of the county where the witness resides or is served unless such judge, upon affidavit to the effect that affiant believes the evidence of the witness is material and his attendance at the hearing necessary, shall endorse on the subpoena an order for the attendance of the witness. And such judge must compel the attendance of at least two medical examiners, who must hear the testimony of all witnesses, make a personal examination of the alleged insane person, and testify before the judge as to the result of such examination, and to any other pertinent facts within their knowledge. The judge must also cause to be examined before him as a witness, any other person whom he has reason to believe has any knowledge of the mental condition of the alleged insane person or of his financial condition or that of the persons liable for his maintenance. The alleged insane person must be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him. All witnesses attending such hearing upon a subpoena issued under this section shall be entitled to the same fees and expenses, to be paid upon the same conditions and in like manner, as in criminal cases.*

Witnesses
at hearings
of persons
charged
with
being
insane.

CHAPTER 372.

An act to amend section nine of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as amended, relating to the relative priority of special assessment liens.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section nine of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers with municipi-

Stats. 1891,
p. 205,
amended.

palities," approved March 18, 1885, as amended, is hereby amended to read as follows:

Form of
warrant.

Sec. 9. To said assessment shall be attached a warrant, which shall be signed by the superintendent of streets, and countersigned by the mayor of said city. The said warrant shall be substantially in the following form:

By virtue hereof, I (name of the superintendent of streets), of the city of-----, county of----- (or city and county of-----), and State of California, by virtue of the authority vested in me as said superintendent of streets, do authorize and empower (name of contractor), (his or their) agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date) -----(Name of superintendent of streets.)

Countersigned by (name of mayor).

Said warrant, assessment, and diagram, together with the certificate of the city engineers, shall be recorded in the office of said superintendent of streets. When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lot assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; such lien shall be subordinate to all special assessment liens previously imposed upon the same property, but it shall have priority over all special assessment liens which may thereafter be created against the said property; and from and after the date of said recording of any warrant, assessment, diagram and certificate, all persons mentioned in section eleven of this act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, diagram, and certificate are recorded, the same shall be delivered to the contractor, or his agent, or assigns, on demand, but not until after the payment of the said superintendent of streets of the incidental expenses not previously paid by the contractor, or his assigns; and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments. Whenever it shall appear by any final judgment of any court of this state that any suit brought to foreclose the lien of any sum of money assessed to cover the expense of said street work done under the provisions of this act has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality in any assessment hereafter to be made and issued, or in the recording thereof, or in the return thereof made to or recorded by said superintendent of streets, any person interested therein may, at any time within three months after the entry of said final judgment, apply to said superintendent of streets who issued the same, or to any superintendent of streets in office at the time of said application, for another assessment to be issued in conformity to law: and said superintendent shall, within

fifteen days after the date of said application, make and deliver to said applicant a new assessment, diagram, and warrant in accordance with law; and the acting mayor shall countersign the same as now provided by law, which assessment shall be a lien for the period of two years from the date of said assessment, and be enforced as provided in section seven of this act.

CHAPTER 373.

An act authorizing the regents of the University of California to sell and convey certain land situate in Butte county, known as the Chico forestry station and directing that the proceeds of such sale shall become the property of the regents of the University of California.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. WHEREAS, The State of California is the owner of a certain tract of land commonly known as the Chico forestry station, situate in the county of Butte, in said state and described as follows:

Description
of Chico
forestry
station.

Commencing at a stake marked C. F. S., "A", from which the half section corner on township line between section twenty-four (24), township twenty-two (22) north range one east and section nineteen (19), township twenty-two (22) north range two (2) east Mount Diablo base and meridian; bears north fifty-one degrees seventeen minutes west four hundred thirty-seven and one-tenth feet: run thence north eighty-three degrees fifteen minutes west eight hundred feet to post marked "B"; run thence south sixty-nine degrees thirty minutes west two hundred forty feet to post marked "C"; run thence south nineteen degrees forty-five minutes west one hundred fifty feet to post marked "D"; run thence south fifty-five degrees forty-five minutes west one hundred fifty feet to post marked "E"; run thence south sixty-nine degrees thirty-seven minutes west three hundred twenty-eight and seven-tenths feet to post marked "F"; run thence south fifty-six degrees no minutes west six hundred feet to post marked "G"; run thence south eighty-one degrees no minutes west two hundred forty-two feet to post marked "H"; run thence south sixteen degrees thirty minutes east eight hundred ninety-five and eight-tenths feet to post marked "I"; run thence north forty-nine degrees forty-five minutes east two thousand seventy-two and nine-tenths feet to post marked "J"; run thence north fifty degrees fifty-five minutes east one hundred feet to post marked "K"; run thence north fifty-five degrees forty-five minutes east one hundred feet to post marked "L"; run thence north sixty degrees fifty minutes east one hundred feet to post marked "M"; run thence

north sixty-five degrees fifty-five minutes east one hundred feet to post marked "N"; run thence north sixty-eight degrees five minutes east ninety feet post marked "O"; run thence north twenty-four degrees fifteen minutes west forty-seven feet to place of beginning; containing twenty-nine and six hundred sixty-seven thousandths acres and situated in said sections twenty-four (24) and nineteen (19) (run by the true meridian, variations seventeen degrees east), being all that tract of land described in that certain deed from John Bidwell to the State of California dated the second day of December, 1889, and recorded at pages four hundred seven to four hundred eight in book thirty-eight of deeds, Butte county records; and

WHEREAS, The said tract of land is maintained as a forestry station under the charge of the regents of the University of California; and the expense of maintaining it has become greater than the benefits derived therefrom, it is provided:

And

WHEREAS, Said land was by the late General John Bidwell conveyed to the University of California without monetary consideration; and

WHEREAS, The said General Bidwell has donated for the purpose of a park a large tract of land immediately joining that herein described; and

WHEREAS, A public subscription in the sum of one thousand five hundred dollars has been raised by various citizens of Chico with which to purchase for the city of Chico, a municipal corporation, the land herein described; and

WHEREAS, It is deemed by the board of regents of the University of California, State of California that the amount thus raised, to wit one thousand five hundred dollars, for the purchase of said land is the fair and adequate value thereof when conveyed subject to the conditions herein mentioned, it is provided:

1. That the regents of the University of California, a corporation, be and it is hereby authorized and empowered to sell and convey to the city of Chico, a municipal corporation, all of the land herein described, for the sum of one thousand five hundred dollars which is hereby declared to be the fair value of said land, said conveyance to be made subject to the following conditions, to wit:

Conveyance
to city of
Chico
authorized.

Conditions.

That the present forestry plant and improvements upon said land shall be maintained and kept in good condition by the said city of Chico without expense to the University of California and that the same shall not be permitted to depreciate or decline by reason of neglect and that such maintenance shall be provided for, by or under the direction of the said city of Chico.

And provided, further, that said conveyance shall also contain a condition that said University of California or any of its agencies, employees or other persons designated by it shall be permitted at any and all times to take data as to

the growth and condition of the various trees and vegetation growing or to be grown upon said lands; *and provided, further,* that if said property herein authorized to be conveyed shall at any time be used otherwise than for public purposes the same shall revert to the University of California subject to all of the terms of the original grant thereof from General John Bidwell.

That said regents of said University of California be and they are hereby authorized and directed to make, execute and upon the receipt of one thousand five hundred dollars, to deliver to said city of Chico the conveyance of said tract of land subject to the conditions herein mentioned.

2. That the proceeds of such sale of the said land shall ^{Proceeds.} be and remain the property of said regents of the University of California, to be expended by it for the benefit of the forestry department of the college of agriculture of the University of California in such manner and for such purposes as it shall deem expedient.

CHAPTER 374.

An act to add a new section to the Political Code, to be numbered three thousand four hundred sixty-six and one-half, relating to sales of land for delinquent reclamation assessments.

[Approved May 23, 1921. In effect July 29, 1921.]

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

A new section is hereby added to the Political Code to be numbered three thousand four hundred sixty-six and one-half and to read as follows:

3466½. The owner of any land or some portion thereof offered for sale pursuant to the provisions of section three thousand four hundred sixty-six of the Political Code may designate in writing to the trustees of the district prior to the sale, what portion he wishes, first sold if less than the whole; but if the owner does not, then the trustees may sell the whole or the least quantity or portion of the land that will bring the amount due for the assessment accrued, interest, penalty and costs, and if any person bids or offers the total amount of said assessment or delinquent installment thereof, interest, penalties and costs for a less portion of said land than the whole of said tract or tracts offered for sale, to accept such bid, or the bid of the person who will take or accept the least portion thereof for the amount of such delinquent installment or installments of said assessment, accrued interest, penalties and costs.

The certificate of sale executed by the trustees to the purchaser of any land sold for delinquent assessments as provided

Certificate
of sale
evidence.

in said section three thousand four hundred sixty-six of the Political Code shall be prima facie evidence that:

(a) That said land was assessed and said assessment duly apportioned as required by law.

(b) That said assessment was not paid.

(c) That due and legal notice of such sale was given and published by the trustees, and that such sale was had at the time and place specified in said notice or at the time to which such sale may have been regularly continued, and that all the steps and proceedings required to be taken by the trustees in order to make a valid sale have been taken by them, and that the deed thereafter made by said trustees duly acknowledged, if no redemption be made, shall be likewise prima facie evidence of the same facts as in said certificates.

If, for any reason the land upon which an assessment heretofore or hereafter levied or any installment thereof is delinquent and remains unpaid, in whole or in part, is not sold at the time or place specified in the notice of sale or to which the sale may have been postponed the trustees shall have jurisdiction to and they shall, give and publish a new notice of sale and proceed to sell said land in all respects as provided in section three thousand four hundred sixty-six of said Political Code, and with like effect as in this section provided. No sale, certificate or deed made for a valid delinquent assessment shall be adjudged invalid, without the payment to the purchaser of the land of the amount of the said delinquent assessment, penalties, interest and costs.

In case more than one installment of any assessment or more than one assessment on the same tract of land shall be delinquent at the time of such sale, said trustees may sell said land for the total amount of all such delinquent installments, of such assessment and for all assessments then delinquent on the same tract of land in one sale.

CHAPTER 375.

An act to amend section five of an act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893, as amended, relating to the foreclosure of delinquent bonds, and providing an alternative method of foreclosure.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1913,
p. 849,
amended.

SECTION 1. Section five of an act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements

within municipalities, and also for the payment of such bonds," approved February 27, 1893, as amended, is hereby amended to read as follows:

Sec. 5. Whenever payment either upon the principal, or of the interest upon any bond issued hereunder has not been, or shall not be made when the same has become, or shall become due, and the holder of the bond demands in writing that the city treasurer proceed to advertise and sell the lot or parcel of land described in said bond as being that upon which the assessment represented by said bond was levied, then said treasurer shall proceed as follows:

Failure to pay interest and principal on bonds as due.

Subd. a. He shall publish for two (2) weeks in a newspaper of general circulation, published in the city in which said bond was issued, or if no newspaper is published in said city, then in some newspaper having general circulation therein, a notice which shall be substantially (filling in all blanks) as indicated following, to wit:

Publication of notice of delinquency.

"Notice of sale of property delinquent for nonpayment of bond No.-----, series No.-----, issued for the improvement of-----.

Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said bond having demanded in writing that the city treasurer of the city of -----, proceed to advertise and sell the lot or parcel of land mentioned in the said bond.

Now, therefore, I give notice that I will on the ----- day of -----, 19-----, at the hour of ----- o'clock -----m. of said day, sell at public auction the lot or parcel of land mentioned in said bond, or so much thereof as may be necessary at (here state the place of sale, which shall be at the office of said treasurer or at some public place in said city) unless the amount due on said bond and the accrued interest thereon together with the cost of the publication of this notice are paid; and that I will so sell the same to the person who will take the least amount of said lot or parcel of land and pay a full amount of unpaid principal and interest on said bond, together with costs of publication. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit: (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, ----- dollars; due on account of interest, ----- dollars. (Here set forth the interest calculated up to the day on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid.) Total amount due on said bond: (here set forth the total of the foregoing items):

In order to avoid this sale, payment of the total amount above named will be required together with the cost of publi-

cations made before such payment and the additional interest accruing up to the date of payment;

In the event of sale, such sale will include interest in addition to the above total amount due accruing up to date of sale, the cost of publication of notice of sale, and one dollar for the issuing of certificate of sale. The ----- (here naming newspaper) is designated as the newspaper in which this notice shall be published.

Dated -----

Treasurer of the city of -----"

The day named in the notice shall not be less than fifteen (15) days from the date of the first publication of the notice;

Affidavit of
publication.

Subd. *b.* An affidavit of the publisher of the newspaper in which the notice was published, or of someone in behalf of said publisher, setting forth a copy of the publication and stating that the publication was made in the said newspaper on specified dates shall be filed with the city treasurer and shall be primary evidence of the due publication of the notice;

Cost of
publication.

Subd. *c.* The city treasurer shall collect the sum of one dollar (\$1.00), as hereinbefore mentioned, for the issuance of the certificate of sale, which sum shall belong to, and be subject to the disposition of the city;

Payment
before
sale.

Subd. *d.* Any person interested in the lot or parcel of land described in the notice of sale may at any time prior to the sale, pay the whole amount of principal of said bond remaining unpaid, the interest up to the date of such payment, at the rate named in said bond upon such amount of said principal remaining unpaid for the whole period for which interest has not been paid, together with the cost of the publication of the notice of sale; in such event the payment being made, the bond shall be canceled; but if such payment be not made, the sale shall be made as advertised;

Sale.

Subd. *e.* The lot or parcel described in the bond shall be sold to the purchaser who shall take the least amount of said lot or parcel and pay all of the sums specified in the notice of sale given by the treasurer. In the event that through error or otherwise the total amount for which said sale shall be made is less than that which may be required by the provisions hercof, and the holder of the bond is the purchaser at the sale and elects to accept the certificate of sale hereinafter mentioned, or if he accepts from the treasurer such sum derived from said sale made to some other purchaser, then the fact that the sale may have been made for less than the amounts specified herein shall not effect or invalidate the sale, and such receipt of said certificate or said sum shall be a waiver on the part of the holder of said bond, and the said deficient amount of sale shall be the amount upon which redemption from the sale shall be calculated to all effects the same as if the sale had been made for the full amount authorized hereby;

Treasurer's
record.

Subd. *f.* The city treasurer, before delivering any certificate, must, in a book kept in his office for that purpose, enter the

date, number, and series of the bond, a description of the land sold corresponding with the description of the certificate, the date of sale, purchasers' name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words "canceled by sale of the property," giving the date of such sale;

Subd. *g*. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per cent per month from the date of sale; Lien of purchaser.

Subd. *h*. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided; Redemption.

Subd. *i*. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must mark the word "redeemed," the date and by whom redeemed on the margin of the book where the entry of the certificate is made, and credit the amount paid to the purchaser named in the certificate, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of an assignment thereof, if any;

Subd. *j*. If the property is not redeemed within the time allowed by subdivision *h* hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; *provided, however,* that the purchaser of the property, or his assignee must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties and costs in this Deed to purchaser if property not redeemed.

act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of said affidavit, which sum of fifty cents shall be paid by the redemptioner at the time and in the same manner as the other sums, costs and fees are paid;

Deed
evidence of
regularity
of
proceedings.

Subd. *k*. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all encumbrances, except the lien for state, county and municipal taxes:

Suit to
foreclose
lien on
bond.

Subd. *l*. In the event of the non-payment of any installment of the interest or principal and by way of a separate, distinct and cumulative remedy, the holder of any bond upon which any payment either upon the principal or of the interest has not, or shall not be made when due, may file and maintain a suit to foreclose the lien of the bond in the same manner provided in the "act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers in municipalities," approved March 18, 1885, as amended. The complaint in such suit shall be sufficient if a true copy of the bond be therein set forth and true allegations made regarding the payments made upon the principal and interest thereon, and such suit shall be brought in the superior court within whose jurisdiction the city is by which the said bond has been issued, and in case the owner of the lot, or parcel of land covered by said bond, cannot with due diligence be found, the service of such action may be had in the manner prescribed in the codes and laws of this state. The said bond, together with proof either orally by the said treasurer of the said city or by a certificate signed by him showing the non-payment of any of the principal or interest upon said bond, shall be prima facie evidence of the right of the plaintiff to recover in said action. The court in which said suit shall be commenced shall have the power to adjudge and decree a lien against the lot or parcel of land covered by said bond and to order said premises to be sold on execution as in other cases of the sale of real estate by the process of said court, and the amount of interest due shall be calculated in the same manner hereinbefore set forth in subdivision *a* hereof, up to the date of the signing of the judgment. On appeal, the appellate courts

shall have the same power to adjudge and decree a lien and to order such premises to be sold on execution of decree as is conferred on the court from which an appeal is taken. The court shall also fix and allow a reasonable attorney's fee for the prosecution of said suit where personal demand for payment has been made before the institution of suit. Such premises, if sold, may be redeemed as in other cases. Such action shall be governed and regulated by the provisions hereof, and also when not in conflict herewith by the codes of this state.

CHAPTER 376.

An act to improve the quality and regulate the number and use of bulls running upon the open range.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. No person shall permit to run upon any open range of this state any bull over eight months of age that is not a pure bred bull of recognized beef breed; *provided*, that for the year 1922 not more than twenty-five per cent, for the year 1923 not more than fifty per cent and for the year 1924 not more than seventy-five per cent of such bulls need be pure bred bulls. only pure bred bulls to run at large.

SEC. 2. For the purposes of this act the term "pure bred bulls" is hereby defined as bulls bred in a herd of one of the recognized beef breeds, the ancestral sires of which must have been registered bulls of the same breed for at least four generations, and the dams of which must have been cows of the same breed of good quality. "Pure bred bull" defined.

SEC. 3. The term "open range" for the purposes of this act is hereby defined to be all unenclosed lands outside of cities, towns and villages, upon which by custom, license or otherwise cattle are kept or permitted to roam. "Open range" defined.

SEC. 4. Every person causing or permitting his cows to graze upon the open range as herein provided must run with said cows one bull for every thirty head of cows. That no bull shall be required for less than ten cows. One bull for every thirty cows.

SEC. 5. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall also be liable for all actual damage caused thereby. Penalty.

CHAPTER 377.

An act to add a new section to the Political Code to be numbered three thousand six hundred thirty-eight a, relating to situs of property in transit.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered three thousand six hundred thirty-eight a to read as follows:

Situs of
property
in
transit.

3638a. All personal property in the possession or under the control and management of any person, corporation or company engaged in the intrastate transportation by water of goods or commodities of any sort or description shall in the event that said personal property is in transit have as its situs for purposes of taxation the residence of the owner thereof, and it is hereby made the duty of every such individual, company or corporation to file with the forwarding agent or warehouse proprietor for delivery to the assessor of his county, a copy of the bill of lading or manifest for all goods in transit or on board on the first Monday of March, showing description and value of such personal property together with name of consignor and consignee thereof, or if such personal property be delivered for transportation by other persons it shall then be the duty of said person, company or corporation to report same to the county assessor of the county from which such property was received.

Any tax found to be due under the provisions of this act shall be and become a lien upon any and all property belonging to the owner of such personal property. The word residence as herein used shall be defined to mean the county in which such property was produced or from which such shipment was made, if the owner is a property owner therein, if not then at the place of domicile of said owner.

Penalty.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months or by both such fine and imprisonment.

CHAPTER 378.

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

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section twelve and one-quarter of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as amended is hereby amended to read as follows: Stats. 1913, p. 409, amended.

SEC. 12 $\frac{1}{4}$. Whenever any assessment heretofore issued or which may be hereafter issued is or shall be void, or unenforceable, for want of sufficient authority for its issuance or from irregularities, or illegalities in the proceedings, or if bonds shall have been, or shall be issued to represent any assessments and such issuance shall not have been, or shall not be effective through the curative provisions thereof to make them valid and enforceable, then, in any of such events a reassessment therefor shall be issued. The true intent and meaning of this section is to make the cost and expense of work or improvement made through an attempted compliance with this act, payable by the real estate benefited by such work or improvement by making a reassessment therefor. New assessments and bonds, when old have been declared invalid.

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

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

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

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

Third—Whenever any court of competent jurisdiction in any suit to set aside the lien of any assessment or of any bond

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

Manner of
making
reassess-
ment.

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

The superintendent of streets shall, upon the entering of a decree of court directing a reassessment or upon the making of an order by the legislative body of the city directing a reassessment, assess upon and against the lots, pieces or parcels of land mentioned in the decree or order the benefits derived or to be derived by each from the said work or improvement estimated as of the date of the original assessment.

To each sum so reassessed there shall be added interest thereon from the date of the original assessment at the rate of seven per cent (7%) per annum. Such assessment need not be in any prescribed form, but shall refer to the original assessment, give the date of the original assessment and state that it is made pursuant to the order of the legislative body of the city or decree of the court, as the case may be. It shall then be presented to the legislative body, which shall fix a time for hearing before it. Such time must be at least twenty days after the reassessment is so presented. The city clerk shall then advertise the time of such hearing before the legislative body by publishing a notice in the newspaper in which the notice of award of contract for the improvement for which the assessment was made, was published unless the legislative body directs publication in some other paper. Such notice shall be published for five insertions, if the paper be a daily, or by two insertions, if the paper be published less frequently. At the time fixed for said hearing, or at such time or times to which the same may be thereafter adjourned, the legislative body shall consider the objections to said reassessment and in its discretion informally direct the revision, correction or modification of such reassessment in such manner as is most equitable. When such reassessment shall have been revised, or corrected or modified so as to comply with the judgment of said legislative body, then it shall pass a resolution confirming the reassessment. The street superintendent shall thereupon record the reassessment with a certificate at the end thereof by the city clerk, that it is the reassessment approved by the legislative body of the city. He shall also note opposite the several assessments in the original assessment that have been displaced by the reassessment the fact that the reassessment has been made, giving its date, and shall credit upon such reassessment all payments theretofore made upon the original assessment, or upon the bonds issued to represent the same, applying such payments first to the interest due and then upon the principal. Such reassessment shall be collectible and pay-

able in the same manner as an original assessment and shall be enforceable by suit in the same manner herein provided for enforcing an original assessment. In the event that bonds issued under the original assessment they shall also issue upon the reassessment for such sum as may be reassessed against the lot, piece or parcel of land covered thereby. The lien of such reassessment shall hold its relative rank as to other special assessment liens as of the date of the original assessment.

CHAPTER 379.

An act to amend sections one, two, three and sixteen of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903, as amended, to allow the opening, extending, widening or straightening by municipalities of any one or more of any public streets, squares, lanes, alleys, courts, or places within municipalities, or any portions thereof, whether contiguous or otherwise, and the acquiring, by condemnation, of any and all property necessary or convenient for that purpose, and relating to the ordinance of intention, the giving of notice and assessments against public property.

•[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one of the act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903, as amended, is hereby amended to read as follows:

Stats. 1903,
p. 376,
amended.

Section 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to order the laying out, opening, extending, widening, or straightening, in whole or in part, of any one or more of any public streets, squares, lanes, alleys, courts, or places, within such municipality, and to acquire, by condemnation, any and all property necessary or convenient for that purpose.

Power to
open
streets.

Stats. 1919,
p. 1046,
amended.
Declaration
of
intention.

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

Sec. 2. Before ordering any improvement to be made which is authorized by section one of this act, the city council shall pass an ordinance declaring its intention so to do, which said ordinance shall briefly describe the improvement and the land necessary or convenient to be taken therefor, and shall, in general terms, describe the district to be benefited by said improvement and to be assessed to pay the expense thereof, to be known as the assessment district, and refer to a plat or map, approved by the city council, which shall indicate by a boundary line the extent of the territory to be included in said assessment district, which plat or map shall be on file in the office of the city engineer before said superintendent of streets shall proceed with the publication and posting of the notices of public work, and shall govern for all details as to the extent of the said assessment district. The city council may include in one proceeding, under one ordinance of intention, any of the different kinds of improvement mentioned in section one of this act, on any number of any public streets, squares, lanes, alleys, courts or places, within such municipality, or any portion or portions thereof, whether contiguous or otherwise. Said city council may, in its discretion, order and declare that the whole or any percentage of the expense of said improvement be paid out of the treasury of the municipality from such fund as the council may designate, in which case it shall be so stated in said ordinance of intention.

Stats. 1913,
p. 430,
amended.

Notice of
public
work

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

Sec. 3. The street superintendent shall thereupon cause to be conspicuously posted along all streets and parts of streets or other public places or rights of way where any property is to be taken for the widening or straightening thereof, and along or upon any private unimproved property which is to be taken for the opening or extending of any street or other public place, at not more than three hundred feet apart, notices (not less than three in all) of the passage of said ordinance. Said notices shall be headed, "Notice of public work", in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance and briefly describe the improvement proposed, and refer to said ordinance of intention for a description of the assessment district and for further particulars. He should also cause a notice similar in substance to be published by two insertions in a daily, weekly or semiweekly newspaper published and circulated in said city and designated by the city council for that purpose. The city clerk shall, immediately upon the publication of the notice required by this section, mail, postage prepaid, to each property owner in the assessment district, at his last known address as the same appears on the tax rolls of said city, or when no address so appears, to the general delivery, a postal card containing a notice which

shall be in the following or substantially the following form (filling blanks), to wit:

“You are hereby notified that on the ----- day of -----, 19____, the legislative body of the city of -----, California, by virtue of the street opening act of 1903, passed an ordinance of intention numbered -----, for the opening and widening of ----- street between ----- street and ----- street. Written protests may be filed with the city clerk within ----- days after the ----- day of -----, 19____. Your property is in the district to be assessed for this improvement.

-----,
City Clerk.”

If any lots or parcels of land in the assessment district be assessed to “unknown owners” on the tax rolls of said city, no postal cards shall be mailed to the owners thereof, but the notice of public work by the publication as herein provided shall be deemed legal notice to such owners of such contemplated improvement.

The failure of the city clerk to mail said postal cards, or any thereof, or the failure of the property owners to receive the same, or the failure of the superintendent of streets to post the notices of street work shall in no wise affect the validity of the proceedings or prevent the city council from acquiring jurisdiction to order the work; *provided, however*, that the city council may require affidavits to be filed showing the posting of notices and the mailing of postal cards before it adopts the resolution ordering the improvement.

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

Stats. 1913,
p. 433,
amended.

Sec. 16. The city engineer shall deliver said diagram to the street superintendent and shall indorse thereon the date of such delivery. The street superintendent upon receiving the said diagram shall proceed to assess the total expenses of the proposed improvement (first deducting from such total expenses such percentage thereof, if any, as the city council may have declared by the ordinance of intention that the city shall pay) upon and against the lands, including the property of any railroad or street railroad, within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be derived from said improvement. The street superintendent shall complete said assessment within sixty days after the receipt by him of said diagram; *provided, however*, that the city council may by order extend the time for completing said assessment for a period not exceeding ninety days additional. The total expense of the improvements so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action for condemnation, together with their costs, the compensation and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action, the expenses of making the assessment, and all expenses necessarily

Delivery
of diagram.

Completed
assessment.

incurred by said city, in connection with the proposed improvement, for the publication of ordinances, posting and publication of notices, for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto.

Land
belonging
to
government.

Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution, or institution for the feeble-minded, or the insane, and being in use in the performance of any public function, is included within the district declared by the city council in the ordinance of intention to be the district to be benefited by said improvement, and to be assessed to pay the expense thereof, the city council may, in its discretion, in the ordinance of intention, declare that said lots, pieces or parcels of land, so owned and in use, or any of them, shall be omitted from the assessment to be made to cover the expense of said improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said ordinance be omitted from the assessment, then the total expenses of said improvement shall be assessed on the remaining lots lying within the boundaries of said assessment district, without regard to such omitted lots, pieces or parcels of land. In the event the city council shall, in its ordinance of intention, declare that the said lots, pieces or parcels of land, so owned and in use, or any of them, shall be included within the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, then such sum or sums as thereafter may be assessed against such lots, pieces or parcels of land so owned and used, shall be payable by the city out of the general fund, unless the city council shall in its ordinance of intention designate another fund; *provided, however,* that any such sum or sums which may be assessed against any such lots, pieces or parcels of land, so owned and used, shall not be payable by the city when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

CHAPTER 380.

An act to amend sections one, four, eleven, and fourteen of an act entitled "An act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such act to be known as 'the local improvement

act of 1901,' which became a law under constitutional provision without the governor's approval February 26, 1901, relating to taxation for local improvements.

[Approved May 23, 1921. In effect July 29, 1921.]

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

SECTION 1. Section one of an act entitled "An act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers, within municipalities, such act to be known as 'the local improvement act of 1901' which became a law under constitution provision, without governor's approval, February 26, 1901, as amended is hereby amended to read as follows:

Stats. 1901,
p. 31,
amended

Section 1. All streets, lanes, alleys, places, or courts in the municipalities of this state, now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and be held to be open public streets, lanes, alleys, places or courts, for the purposes of this act, and the legislative body of each municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places or courts, and fix the width thereof, and is hereby invested with the jurisdiction to order to be done thereon any of the work mentioned in section two of this act, under the proceedings hereinafter described; *provided*, that any of said work may be done to or upon a grade other than the established official grade of any such streets, lanes, alleys, courts, or places, in which case the grade at which the work is proposed to be done together with the official grade shall be set forth and fully described in the report of the engineer provided for in section four of this act.

Municipality
empowered
to do work
upon
streets,
etc.

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

Stats. 1915,
p. 379,
amended.
Report of
engineer.

Sec. 4. Thereafter, the said engineer, or board of public works, or commissioner of public works, shall file with the clerk of the municipality the report called for by section three above, and there shall be annexed thereto the following exhibits, to wit:

1. A general description of the work to be done, excepting therefrom any work to be done by any person, firm or corporation having railroads on any of the streets, lanes, alleys, courts, or places within said municipality.

General
description.

2. A description of the exterior boundaries of the district of lands which will be benefited by the proposed improvement, the lots and lands within which should be specially assessed, according to the benefits, if any, they may receive, to pay the costs and expenses of the improvement.

Boundaries.

3. Plans, profiles, cross-sections, and specifications for making the proposed improvement.

Plans.

4. An estimate of the total cost of said improvement, including incidental expenses likely to be incurred, in connec-

Estimate
of cost.

tion therewith, including clerical, engineering, inspection, printing, advertising and all other incidental expenses.

Map.

5. A map showing the district above referred to, giving the subdivisions of the property therein, as nearly as can be ascertained by said engineer, or board, or commissioner, with the dimensions thereof, as ascertained by said engineer, or board, or commissioner, each of which subdivisions shall be given a red ink number upon said map, which red ink number shall in all of the subsequent proceedings be a sufficient description of such land when given or referred to in connection with a reference to said map. But any error in the description, or in the dimensions of any lot or lands appearing on said map shall not invalidate the assessment or the proceedings herein provided for.

List of owners.

6. A list, referring to said subdivisions upon said map by the respective red ink numbers thereon, and giving the names of the owners, if known, otherwise designating them as unknown; but any error in the name of the owner of any lot or lands shall in no way invalidate the proceedings, or the assessment levied against such lot or lands. The list shall include an estimate of the benefits, if any, which each lot or parcel of land within said district will receive from the proposed improvement. Whenever any park, block, tract, lot, piece or parcel of land belonging to, or under the control of, the State of California, or any county, city and county, city, town, township, irrigation or drainage district, board of education, school district, penal or reform institution, institution for the feeble-minded, or the insane, or any other public or quasipublic agent, mandatory or instrumentality of the state, county or municipal government, shall be included within the district declared to be benefited and to be assessed to pay the costs and expenses of the improvement, the said work shall be done, and such lots, pieces or parcels of land shall be assessed as in other cases; and the State of California, or any county, city and county, city, town, township, irrigation or drainage district, board of education, school district, penal or reform institution, institution for the feeble-minded, or the insane, or any other public or quasipublic agent, mandatory or instrumentality of the state, county or municipal government, shall be liable for and shall pay any such assessment so levied.

Number of proceedings.

7. The number of the proceedings, which shall be the number under which all subsequent action shall be taken in said proceeding, and thereafter a reference to such number shall be sufficient to identify any record or action thereunder.

Stats. 1915, p 383, amended.

Sec. 3. Section eleven of said act is hereby amended to read as follows:

Payment of assessments.

Sec. 11. The said tax collector shall thereupon fix a time, which shall not be more than thirty days thereafter, within which the payments of said assessments shall be made, or agreements and waivers executed as hereinafter provided for bonds to issue in lieu of such payments, notice of which time shall

be given by publication at least once in some newspaper of general circulation, published in such municipality, if there be one published therein, otherwise by posting in three public places in said municipalities. All such assessments shall be paid or agreements and waivers executed therefor within such time, or such further time as the legislative body of such municipality shall grant by resolution, not exceeding thirty days; *provided*, that whenever any park, block, tract, lot, piece, or parcel of land belonging to, or under the control of the State of California, or any county, city and county, city, town, township, irrigation or drainage district, board of education, school district, penal or reform institution, institution for the feeble-minded, or the insane, or any other public or quasi-public agent, mandatory or instrumentality of the state, county or municipal government, shall be included within the district declared to be benefited and which shall be in actual use in the performance of a public function and shall have been assessed as in other cases as provided in section four of this act, such assessment shall be paid out of any funds on hand and available for such purpose upon the presentation of a proper claim therefor; but if no funds shall be available, then provision shall be made by the proper officials of the State of California, or any county, city and county, city, town, township, irrigation or drainage district, board of education, school district, penal or reform institution, institution for the feeble-minded, or the insane, or any other public or quasipublic agent, mandatory or instrumentality of the state, county or municipal government, for the payment of any such sum so due in the same manner and as though such assessment constituted a judgment against such state, county, city and county, city, town, township, irrigation or drainage district, board of education, school district, penal or reform institution, institution for the feeble-minded, or the insane, or any other public or quasipublic agent, mandatory or instrumentality of the state, county or municipal government, and any such assessment shall, for said purpose only, have the same force and effect as a judgment of a court of record against the State of California, or any county, city and county, city, town, township, irrigation or drainage district, board of education, school district, penal or reform institution, institution for the feeble-minded, of the insane, or any other public or quasipublic agent, mandatory or instrumentality of the state, county or municipal government; and it shall be the duty of the officer, board or body authorized by law to levy taxes or assessments to raise revenue for the costs and expenses of carrying on the government or the affairs of the State of California, or any county, city and county, city, town, township, irrigation or drainage district, board of education, school district, penal or reform institution, institution for the feeble-minded, or the insane, or any other public or quasipublic agent, mandatory or instrumentality of the state, county or municipal government to include the amount of any such

Land
belonging
to
government.

assessment in the amount to be raised by the next subsequent assessment or tax levy to be made, together with the interest thereon at the rate of seven per cent per annum from the date due until it shall be paid, and to levy a tax or assessment on the assessable property therein for the payment thereof; *provided*, that in case of neglect or refusal to so pay, or provide for the payment of such assessment as above provided, the contractor or his assignee may sue, such officer, board or body to compel the payment thereof, or to compel provision to be made for the payment thereof as above provided.

All assessments collected shall be noted in the aforementioned record in the proper column thereof, opposite the number of the lot upon which the same has been paid; or if an agreement and waiver has been executed by the owner of any lot or lands for bonds to be issued as hereinafter provided; or said lot is sold for the nonpayment of the assessment levied thereon, that fact shall be noted in said record in the proper column opposite such number.

Stats. 1915,
p 383,
amended.
Redemption
of
property
sold.

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

Sec. 14. At any time before the expiration of one year after said sale, any property sold under the provisions of this act may be redeemed by the owner thereof by the payment to the said tax collector of the amount for which the said property was sold, and also any amount which the said purchaser may have paid out for taxes or assessments, a memorandum of which may have been filed with said tax collector, and which shall be noted on said record by him, together with interest at the rate of one per cent per month on all amounts paid by such purchaser; which redemption money shall be paid by the said tax collector to the owner of the certificate of sale, upon the same being delivered up to be cancelled, and a receipt given to said tax collector for the amount so paid by him, the fact and date of which redemption together with the amount paid therefor, shall be noted by said tax collector on the margin of said record of assessment.

CHAPTER 381.

An act to amend section three thousand seven hundred fifty-one of the Political Code, relating to tax receipts.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

Tax
receipts.

3751. He must give a receipt to the person paying any tax, or any part of any tax, specifying the amount of the assessment and the tax, or part of tax, paid, and the amount

remaining unpaid, if any, with a description of the property assessed, and printing clearly the beginning and ending of the fiscal year for which such tax is paid; *provided*, that the receipt for the last installment of taxes may refer, by number or any other intelligent manner, to the receipt given for the first installment of taxes, in lieu of a description of the property assessed.

CHAPTER 382.

An act to amend section three hundred ninety-four of the Code of Civil Procedure, relating to the place of trial of actions or proceedings to which a county, city and county or city is a party.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

394. An action or proceeding against a county, or city and county, may be commenced and tried in such county, or city and county, unless such action or proceeding is brought by a county, or city and county, in which case it may be tried in any county, or city and county, not a party thereto. Whenever an action or proceeding is brought by a county, city and county, or city, against a resident of another county, city and county, or city, or a corporation doing business in the latter, the action or proceeding must be, on motion of either party, transferred for trial to a county, or city and county, other than the plaintiff, if the plaintiff is a county, or city and county, and other than that in which the plaintiff is situated, if the plaintiff is a city, and other than that in which the defendant resides or is doing business or is situated. Whenever an action or proceeding is brought against a county, city and county, or city, in any county, or city and county, other than the defendant, if the defendant is a county, or city and county, or, if the defendant is a city, other than that in which the defendant is situated, the action or proceeding must be, on motion of the said defendant, transferred for trial to a county, or city and county, other than that in which the plaintiff, or any of the plaintiffs, resides, or is doing business, or is situated, and other than the plaintiff county, or city and county, or county in which such plaintiff city is situated, and other than the defendant county, or city and county, or county in which such defendant city is situated. In any action or proceeding, the parties thereto may, by stipulation in writing, or made in open court, and entered in the minutes, agree upon any county, or city and county, for the place of trial thereof. This section shall apply to actions or proceedings now pending or hereafter brought.

Place of trial in action to which city or county is a party.

CHAPTER 383.

An act to amend section four hundred of the Civil Code, relating to corporations.

[Approved May 23, 1921. In effect July 29, 1921.]

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

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

Directors
to be
trustees
of
dissolved
corporation.

400. Unless other persons are appointed by the court, the directors or managers of the affairs of a corporation at the time of its dissolution are trustees of the creditors and stockholders or members of the corporation dissolved, and have full powers to settle the affairs of the corporation, collect and pay outstanding debts, sell the assets thereof in such manner as the court shall direct, and distribute the proceeds of such sales and all other assets to the stockholders. Such trustees shall have authority to sue for and recover the debts and property of the corporation, and shall be jointly and severally personally liable to its creditors and stockholders or members, to the extent of its property and effects that shall come into their hands. Death, resignation or failure or inability to act shall constitute a vacancy in the position of trustee, which vacancy shall be filled by appointment by the superior court upon petition of any person or creditor interested in the property of such corporation. Such trustees may be sued in any court in this state by any person having a claim against such corporation or its property. Trustees of corporations heretofore dissolved or whose charters have heretofore been forfeited by law shall have and discharge in the same manner and under the same obligations, all the powers and duties herein prescribed. Vacancies in the office of trustees of such corporations shall be filled as hereinbefore provided; *provided, however*, that any deed executed in the name of such corporation by the president or vice-president and secretary or assistant secretary after a dissolution thereof or after a forfeiture of the charter of such corporation or after the suspension of the corporate rights, privileges and powers of such corporation, which deed shall have been duly recorded in the proper book of records of the county in which the land or any portion thereof so conveyed is situated, for a period of five years, shall have the same force and effect as if executed and delivered prior to said dissolution, forfeiture or suspension.

CHAPTER 384.

An act to add a new section to the Code of Civil Procedure, to be numbered section five hundred twenty-six b, relating to actions to restrain the issuance, sale, offering for sale or delivery of bonds of any city, city and county, town, county, district or other political subdivision of the State of California.

[Approved May 24, 1921. In effect July 20, 1921.]

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

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

526b. Every person or corporation bringing, instigating, exciting or abetting, any suit to obtain an injunction, restraining or enjoining the issuance, sale, offering for sale, or delivery, of bonds, or other securities, or the expenditure of the proceeds of the sale of such bonds or other securities, of any city, city and county, town, county, or other district organized under the laws of this state, or any other political subdivision of this state, proposed to be issued, sold, offered for sale or delivered by such city, city and county, town, county, district or other political subdivision, for the purpose of acquiring, constructing, completing, improving or extending water works, electric works, gas works or other public utility works or property, shall, if the injunction sought is finally denied, and if such person or corporation owns, controls, or is operating or interested in, a public utility business of the same nature as that for which such bonds or other securities are proposed to be issued, sold, offered for sale, or delivered, be liable to the defendant for all costs, damages and necessary expenses resulting to such defendant by reason of the filing of such suit.

Payment
of
costs in
action to
restrain
issuance
of bonds of
city, etc.

CHAPTER 385.

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

[Approved May 24, 1921. In effect July 20, 1921.]

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

SECTION 1. Section eight hundred seventy-seven of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved

Stats 1883,
p. 275,
amended.

March 13, 1883, as amended is hereby amended to read as follows:

Duties of
asses-sor.

877. It shall be the duty of the assessor between the first Monday in March and the first day of August in each year, to make out a true list of all taxable property within the city or town. The mode of making out said list, and proceedings relating thereto, shall be in conformity with the laws now in force regulating county assessors, except as the same may be otherwise provided in this act, or by ordinance. Said list shall describe the property assessed, and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the clerk on or before the first Monday of August of each year. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duty.

CHAPTER 386.

An act to amend section seven hundred eighty-seven of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Stats 1883,
p. 259,
amended.

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

Duties of
assessor.

787. It shall be the duty of the assessor between the first Monday in March and the first day of August in each year, to make out a true list of all taxable property within the city or town. The mode of making out said list, and proceedings relating thereto, shall be in conformity with the laws now in force regulating county assessors, except as the same may be otherwise provided in this act, or by ordinance. Said list shall describe the property assessed, and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the clerk on or before the first Monday of August of each year. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duty.

CHAPTER 387.

An act appropriating money for repairs and improvements to the buildings and grounds and equipment for the Santa Barbara State Normal School.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs and improvements to the buildings and grounds and equipment for the Santa Barbara State Normal School.

Appropriation:
repairs,
Santa
Barbara
State
Normal
School.

CHAPTER 388.

An act appropriating money for furniture and equipment for the Hastings College of the Law.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for furniture and equipment for the Hastings College of the Law.

Appropriation:
furniture
and
equipment.
Hastings
College
of Law.

CHAPTER 389.

An act appropriating money for the construction of a building or buildings for manual arts and home economics and the equipping and furnishing of the same at the San Jose State Normal School.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of two hundred five thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction of a building or buildings for manual arts and home economics and the equipping and furnishing of the same at the San Jose State Normal School.

Appropriation:
manual
arts
building.
San Jose
State
Normal
School.

CHAPTER 390.

An act appropriating money for the erection of a school room and assembly building at the Sonoma State Home.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
school
room and
assembly
building,
Sonoma
State
Home.

SECTION 1. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the erection of a school room and assembly building at the Sonoma State Home.

CHAPTER 391.

An act appropriating money for repairs, improvements, equipment and furnishings for the Veterans' Home at Yountville.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
repairs,
Veterans'
Home.

SECTION 1. The sum of seventy-nine thousand nine hundred twenty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements, equipment and furnishings for the Veterans' Home at Yountville.

CHAPTER 392.

An act appropriating money to carry out the building and developmental program at Whittier State School, and for repairs, improvements and equipment.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
building
and develop-
mental
program,
Whittier
State
School.

SECTION 1. The sum of one hundred ninety-eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to carry out the building and developmental program at Whittier State School, and for repairs, improvements and equipment.

CHAPTER 393.

An act appropriating money for repairs, improvements and equipment for the Stockton State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of eighty-seven thousand two hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment for the Stockton State Hospital.

Appropriation:
repairs,
Stockton
State
Hospital.

CHAPTER 394.

An act appropriating money for repairs, improvements and the completion of buildings and extension of the wall at the Folsom State Prison.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of fifty-two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and the completion of buildings and extension of the wall at the Folsom State Prison.

Appropriation:
repairs, etc.
Folsom
State
Prison.

CHAPTER 395.

An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements under the "street opening act of 1889" and providing for the effect and enforcement of such bonds.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The expression "street opening act of 1889" as used herein and in the title hereof, shall mean the act (hereinafter referred to as the "street opening act") entitled "An act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and

Definitions.

to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, as heretofore amended, and as may be hereafter amended.

The expression "improvement bond" as used herein shall mean a bond issued under the provisions of this act.

The terms "assessment" or "assessment roll" as used herein shall mean a special assessment made under the provisions of said "street opening act."

The term "delinquency" as used herein shall mean delinquency in the payment of an assessment made under said "street opening act," and the expression "time of delinquency" as used herein shall mean the time fixed in said "street opening act" when assessments become delinquent.

The expression "city council" as used herein shall mean the legislative body of the municipality.

Issue of
street
improvement
bonds.

SEC. 2. The city council of any municipal corporation of this state, may, in its discretion, at or before the time of the confirmation of any assessment or assessment roll in proceedings had and taken under the said street opening act, that improvement bonds may issue to represent such assessments, which determination shall be made by ordinance or resolution.

Payment
of
assessment
in install-
ments.

SEC. 3. Whenever it is determined as provided in section two hereof that improvement bonds may be issued to represent assessments, the owner of any lot or parcel of land against which an assessment has been made, when the amount of such assessment is fifty dollars or over, may at any time prior to delinquency, elect to pay such assessment in installments and to have an improvement bond issued against such lot, in the form and manner and with the effect in this act provided.

Affidavit
of owner.

SEC. 4. Such election shall be made by such owner or his agent thereunto duly authorized in writing filed with the superintendent of streets an affidavit made before a competent officer that he or his principal, as the case may be, is the owner of the lot or parcel of land in question, which affidavit must be accompanied by a certificate of a searcher of records, that he or his principal is such owner and also by filing with such officer a written agreement upon the form hereinafter fixed, waiving all objections of whatsoever kind or nature against the assessment and all proceedings thereto and undertaking to pay the amount of such assessment in either five or ten annual installments, each of which shall be due on the first day of July of each year, and the first of which shall be due on the first day of July next following the date of such bond, with interest on all deferred payments at the rate of eight per cent per annum, payable at the same time as the installments of principal. Said agreement shall contain a provision to the effect that in case of default in the payment of any installment of the principal provided for therein, or interest accrued on deferred payments, at the time called for by said agreement, then and in that event, the entire remaining unpaid installments shall become immediately due and payable, and that the same, and all liens and agreements which are security

therefor, may be collected and enforced as in this act provided Said agreement shall be in the following or substantially the following form (filling blanks) :

The undersigned, being the owner of the lot assessed in the assessment for ----- said lot being assessed therein for the sum of ----- (\$----) dollars, does hereby expressly waive and release all objections of whatsoever kind or nature against the said assessment and all proceedings prior thereto, and in consideration of the benefit of said improvement and of the extension of time for paying therefor herein requested, do undertake and agree to pay the amount of said assessment, to wit: the sum of ----- (\$----) dollars in ----- yearly installments, at the time, in the manner, and with the interest, specified and provided in ----- (title of act), and do request and elect to have a bond issued against said lot in the manner and form and with the effect provided in said act, and do expressly agree that in the case of default in the payment of any installment of the principal provided for in said bond, or interest accrued on deferred payments, then, and in that event, that the entire remaining unpaid installments shall become immediately due and payable, and that the same, and all liens and agreements which are security therefor, may be collected and enforced as in this act provided.

Upon an election being effected as herein provided the superintendent of streets shall make a note thereof in his records opposite the assessment as to which such election is made. All agreements and affidavits made and filed hereunder shall be bound in a substantial book and kept among the records of the superintendent of streets. At the time of delinquency, such officer shall advise, in writing, the city treasurer respecting the assessments as to which the owners have elected to pay in installments. The city treasurer shall thereupon prepare a separate bond representing each assessment as to which such right of election has been exercised, running for either five or ten years, as specified in the agreement made as herein provided, which bond shall be in the following or substantially the following form (filling blanks) :

IMPROVEMENT BOND.

Improvement bond.

Series -----

\$----- No.-----

Under and by virtue of and pursuant to the provisions of ----- (title of act), I, out of the fund for the above designated improvement bonds, series ----- will pay to bearer the sum of ----- (\$----) dollars with interest at the rate of eight (8) per cent per annum, as is hereinafter specified, at the office of the city treasurer of the city of -----, State of California. This bond is issued to represent an assessment for ----- in the city of ----- as the same is more fully described in the assessment therefor.

Its amount is the amount assessed in said assessment against the lot numbered _____ therein and in the diagram attached thereto, and which now remains unpaid; but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram. to wit: the lot or parcel of land in the city of _____, county of _____, State of California, described as follows:

and it is issued in accordance with the written request therefor on file in the office of _____ the _____ of said city.

This bond is payable exclusively from said fund, and neither the city of _____ nor any officer thereof is to be holden otherwise for its principal or interest. The term of this bond is _____ years from July 1, 19____, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the first day of July of each year, after the date hereof, an even annual proportion of its principal is due and payable upon presentation of the coupon therefor, until the whole is paid, with accrued interest at the rate of eight per cent per annum.

The interest is payable annually on the first day of July in each year hereafter upon presentation of the coupons therefor, the first of which is for the interest from date to the first day of July, 19____, and thereafter the interest coupons are for the annual interest.

Should default be made in the first, or any succeeding payment of the principal, or in any payment of interest, by the owner of said lot, or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and shall thereupon have a right to collect the same and to enforce all liens and agreements which are security therefor as in said act provided.

At said city of _____, this _____ day of _____, in the year one thousand nine hundred and _____.

City treasurer of the city of _____.

Said bonds shall be payable to the bearer and no mistake or error in the description in the bond of the lot assessed shall affect the validity or lien of the bond, unless the mistake or error is such that the lot can not be identified, and in such event the holder of such bond may have the same corrected upon application to the city treasurer and the officers or board who or which made the assessment to represent which such bond is issued.

Record of
bond
and
payments.

SEC. 5. The city treasurer shall enter in a book kept for that purpose in his office, a record of each bond issued hereunder, specifying the date of its issue, the amount for which issued, to whom delivered, its duration and a description of the lot against which issued. Payments of principal and interest on account of any bond issued hereunder shall be

made to the city treasurer who shall keep a separate account of all such payments (entering the same in the record herein required to be kept), and place the same in appropriate funds for the payment of principal and interest of the bonds on account of which paid, and who shall, upon the surrender of the coupons attached to said bond, pay to the holder thereof, or his order, the amount called for by said coupons out of the funds in his possession applicable thereto.

SEC. 6. Improvement bonds issued hereunder shall by their issuance be conclusive evidence of the regularity and validity of all proceedings thereto. The amount due upon any such bond shall be a lien upon the lot described in such bond superior to all other liens, charges, and encumbrances except the liens or prior assessments and of municipal, state and county taxes.

Bonds
evidence
of validity
of
proceedings.

SEC. 7. Improvement bonds or any number of such bonds, issued hereunder, except as otherwise provided in section nine hereof, shall be sold to the highest cash bidder, after advertisement for bids, which advertisement shall be published for at least three times in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, then such advertisement shall be published once in a weekly or semiweekly newspaper so published and circulated; *provided, however*, that said bonds shall not be sold for less than par. If any bond be sold for an amount in excess of par such excess shall be paid into the general fund of the city.

Sale of
bonds to
highest
bidder.

SEC. 8. The proceeds of the sale of such improvement bonds shall be paid into the fund of the proceeding to represent assessments in which said bonds were issued.

Payment of
proceeds.

SEC. 9. It shall be competent for the city to advance to the appropriate fund the par value of all or any part of said bonds, in which case said city shall have the same rights in respect to the enforcement and collection thereof as other purchasers. Where the city advances money as in this section provided it shall have full authority at any time to sell said bonds to reimburse itself therefor.

Advance of
funds.

SEC. 10. Whenever, through the default of the owner of any lot or parcel of land upon which such bond is issued to represent the assessment, payment, either of the principal or of the interest, is not made when the same has become due, and the holder of the bond thereupon demands, in writing, that the city treasurer proceed to advertise and sell said lot or parcel of land as herein provided, then the whole bond or its unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

If payment
is not made.

SEC. 11. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as hereinbefore provided, the said city treasurer shall publish twice in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent

Sale of
property.

bond, a description of the property mentioned in said bond, and the name of the owner of such property (if known), and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond and the interest due thereon, together with the cost of publication of such notice are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer. A like notice shall not less than fifteen days before the day of sale so fixed be served upon any such owner if known either personally or by depositing the same in the post office at such city addressed to such owner at his address if known with the postage thereon prepaid.

Payment before sale.

At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be canceled; but in case such payment is not made by such owner or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereto shall be sold at public auction to the bidder offering to pay the amount due on the bond with costs for the least portion of such lot or parcel of land offered for sale.

Affidavit of publication.

SEC. 12. The city treasurer, before the day of sale hereinafter provided for, must file with the city clerk a copy of the publication, with an affidavit of the publisher of such newspaper, or some one in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance in which such publication was made, which affidavit is prima facie evidence of all the facts stated therein.

Cost of publication.

SEC. 13. The city treasurer must collect, in addition to the amount due on such bond, the cost of the publication of such notice, and fifty cents for the certificate of sale delivered to the purchaser as hereinafter provided.

Record of treasurer.

SEC. 14. The city treasurer, before delivering any certificate of sale must, in a book kept in his office for that purpose, enter the date, number and series of the bond, a description of the land sold corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words "canceled by sale of the property," giving the date of such sale.

Purchaser's lien.

SEC. 15. Immediately on the sale, the purchaser shall become vested with a lien on the property so sold to him, to the extent of his bid, and is only divested of such lien by the pay-

ment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per cent per month from the date of sale.

SEC. 16. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must credit the amount paid to the person named in his certificate, and pay it on demand to him or his assignees. Redemption.

SEC. 17. On receiving the certificate of sale, the recorder must file it, and make an entry in a book similar to that required of the city treasurer, the fee for which shall be fifty cents, and on presentation of the receipt of the city treasurer for the total amount of the redemption money, the recorder must, without charge, mark the word "redeemed," the date, and by whom redeemed, on the margin of the book where the entry of the certificate is made. Record of recorder.

SEC. 18. If the property is not redeemed within the time allowed by the provisions of section sixteen hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser, or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed substantially, the matter contained in the certificate and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; *provided, however,* that the purchaser of the property, or his assignee, or agent, must, thirty days prior to the expiration of the time of the redemption, of thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate of sale, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties, and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore Deed to property.

required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of such affidavit, which sum of fifty cents shall be paid by the redemptioner at the time and in the same manner as the other sums, costs and fees are paid.

Need
evidence
of validity
of
proceedings.

SEC. 19. The deed, when duly acknowledged or proved, shall be conclusive evidence of all things which the bond upon which it is based is conclusive evidence, and prima facie evidence of the regularity of all proceedings subsequent to the issue of the bond, and conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except the lien for state, county, and municipal taxes.

Payment of
part of
cost by city.

SEC. 20. The city council may, in the resolution of intention, prescribed by section two of said "street opening act of 1889," provide for the payment, out of a city fund, to be therein designated, some certain amount of the estimated costs and expenses of the improvement therein proposed, in which case the "notice of public work" prescribed by section three of said "street improvement act" shall state the fact that such provision is made in such resolution of intention, providing the sum proposed to be paid out of the city treasury, which sum shall be deducted from the total cost and expense of the said proposed improvement, and the remainder of such cost and expense shall be assessed as prescribed by section nine of said street improvement act; *provided*, that at the, or before the, time of ordering said improvement to be made the city council shall appropriate, out of the proper fund, and pay into the special fund provided by section sixteen of said street improvement act, the said sum specified in the resolution of intention. Bonds may then issue as hereinbefore provided, to cover the assessment so made.

Construction.

SEC. 21. This act shall be liberally construed to promote the objects thereof.

CHAPTER 396.

An act making it the duty of steam railroad companies operating in whole or in part within the State of California to provide first medical aid to injured passengers, employees or other persons; requiring employees in charge of steam trains and steam engines to report after the use of the medical supplies furnished under this act; and providing penalties for its violation.

[Approved May 24, 1921. In effect July 29, 1921.]

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

First aid
packages
on trains.

SECTION 1. Every steam railroad company, or the receiver or receivers of any steam railroad, operating trains, in whole

or in part, within the State of California, shall provide a package containing the articles hereinafter stated, on each steam train or light steam engine, for first aid to persons who may be injured in the course of the operation of such train or trains.

SEC. 2. Every such package shall include the following Contents. and such other articles and equipment as may in the judgment and discretion of the management of the steam railroad or the medical department thereof be useful for the intended purpose :

A standard package to contain two (2) pieces of sterile gauze, one (1) ribbon bandage, one (1) triangular cambrie picture bandage in aseptic container, six (6) of these packages to make up one (1) first aid kit which shall contain written instructions for the use of such contents.

SEC. 3. The employee of the steam railroad in charge of the steam train or steam engine shall report to the office Report of use. designated by the company whenever any such kit has been opened for use.

SEC. 4. Any steam railroad company, or the receiver or Penalty. receivers, or employee of a steam railroad company, who shall fail to comply with the provisions of this act shall be liable to a penalty of not less than five nor more than twenty-five dollars, and each day's violation shall constitute a separate offense; *provided, however,* that the steam railroad company, or receiver or receivers, shall be allowed not to exceed three days without penalty to replace any package or packages after the use of same has been reported by the employees in charge of said steam train or steam engine.

CHAPTER 397.

An act appropriating money for repairs, improvements, furniture and equipment for the Industrial Home for the Adult Blind.

[Approved May 24, 1921 In effect July 29, 1921.]

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

SECTION 1. The sum of twelve thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements, furniture and equipment for the Industrial Home for the Adult Blind. Appropriation repairs Industrial Home for the Adult Blind

CHAPTER 398.

An act appropriating money for the support of the California historical survey commission during the seventy-third and seventy-fourth fiscal years, and abolishing said commission and transferring its duties and powers after said years.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriations
California
historical
survey
commission.

Commission
abolished.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the support of the California historical survey commission during the seventy-third and seventy-fourth fiscal years; *provided, however*, that said commission shall be abolished and have no further legal existence from and after the thirtieth day of June, nineteen hundred twenty-three, and the same is hereby so abolished, and the duties, powers, purposes, responsibilities and jurisdiction of said commission are hereby after said thirtieth day of June, nineteen hundred twenty-three, transferred to and vested in the regents of the University of California.

CHAPTER 399.

An act appropriating money for the erection of a receiving building and for the equipment and service in connection thereto for Mendocino State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
receiving
building,
Mendocino
State
Hospital

SECTION 1. The sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the erection of a receiving building and for the equipment and service in connection thereto for Mendocino State Hospital.

CHAPTER 400.

An act appropriating money to purchase additional land for the Mendocino State Hospital and to improve the same.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to purchase additional land for the Mendocino State Hospital and to improve the same. The title to any land so purchased shall be taken in the name of the State of California and before any money is paid on the purchase price of said land the title to said land must be passed upon and approved by the attorney general.

Appropriation:
additional
land,
Mendocino
State
Hospital

CHAPTER 401.

An act appropriating money to purchase a new site for the Women's Relief Corps Home.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to purchase a new site for the Women's Relief Corps Home which was located at Evergreen, Santa Clara county, and which was recently destroyed by fire. Said site shall be purchased by the board of directors of said home with the approval of the state board of control. The title to such property shall be taken in the name of the State of California, and no payment shall be made from the appropriation herein provided until the title to the property shall have been passed upon and approved by the attorney general. In making such purchase, the present land owned by the home may be utilized in part payment for the new site at an appraised value to be approved by the state board of control and the governor. The governor is hereby authorized to issue deed on the part of the State of California to the party or parties acquiring said present site of said home upon fulfillment of the provisions of this statute.

Appropriation:
site for
Women's
Relief Corps
Home.

CHAPTER 402.

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

[Approved May 24, 1921. In effect July 29, 1921.]

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

Stats 1917,
p. 1528,
amended.

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

Powers of
city trustees.

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

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

Acquire
real
estate.

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

Provide
water
supply.

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

Establish
bridges, and
highways.

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

Open
streets.

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

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

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

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

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

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

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

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

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

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

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

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

Impose
fines.

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

Compel
labor of
prisoners.

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

Establish
fire limits.

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

Regulate
construction
of
buildings.

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

Regulate
advertising,
etc.

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

Compel
removal of
dirt, weeds,
etc.

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

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

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

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

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

CHAPTER 403.

An act appropriating money to pay the claim of the Bank of California, National Association, against the State of California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of sixty-five thousand eight hundred sixty dollars and forty-five cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the Bank of California, National Association, against the State of California.

CHAPTER 404.

An act appropriating money to pay the claim of the county of Sacramento against the State of California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
claim of
Sacramento
county.

SECTION 1. The sum of three thousand nine hundred thirty-two dollars and thirty-eight cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the county of Sacramento against the State of California.

CHAPTER 405.

An act to amend section three thousand eight hundred seventeen of the Political Code, relating to redemptions of lands sold to the State of California for delinquent taxes.

[Approved May 25, 1921. In effect July 29, 1921.]

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

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

Redemption
of property
sold for
taxes.

3817. In all cases where real estate has been sold, or may hereafter be sold for delinquent taxes to the state, and the state has not disposed of the same, the person whose estate has been, or may hereafter be sold, his heirs, executors, administrators, or other successors in interest, shall, at any time after the same has been sold to the state, and before the state shall have disposed of the same, have the right to redeem such real estate by paying to the county treasurer of the county wherein the real estate may be situated, the amount of taxes, penalties and costs due thereon at the time of said sale, with interest on the aggregate amount of said taxes, at the rate of seven per cent per annum; and also all taxes that were a lien upon said real estate at the time said taxes became delinquent; and also all unpaid taxes of every description assessed against the property for each year since the sale; or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest from the first day of July of each of said years, respectively, at the same rate, to the time of redemption; and also all costs and expenses of such redemption, and penalties as follows, to wit: Ten per cent if redeemed within six months from July first of the year of sale; twenty per cent if redeemed within one year therefrom; thirty per cent if redeemed within two years

Penalties
payable.

therefrom; forty per cent if redeemed within three years therefrom; forty-five per cent if redeemed within four years therefrom; and fifty per cent if redeemed within five or any greater number of years therefrom. The penalty shall be computed upon the amount of each year's taxes in like manner, reckoning from July first of the year when the lands would have been sold for the taxes of that year, if there had been no previous sales thereof.

The county auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates the redemptioner shall deliver to the county treasurer, together with the money, and the county treasurer shall give triplicate receipts, written or indorsed upon said certificates, one to the redemptioner, and two to the county auditor, who shall deliver one of the said receipts to the state controller.

Estimate
by
county
auditor.

Upon consummation of the redemption and the delivery of the receipts aforesaid by the treasurer, the auditor shall report the same to the assessor, tax collector and recorder, and the recorder shall, without payment of fee, note on the margin of the record of the certificate of sale, or deed, if issued, the fact of such redemption, the date thereof, and by whom redeemed, which certificate of sale, or deed, shall become null and void, and all right, title and interest acquired by virtue of the tax sale, shall cease and determine.

When
state's
title
ceases.

The county treasurer shall settle for the moneys received as for other state and county moneys.

The state controller shall, upon request of the auditor, issue a receipt which may be recorded in the recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or certificate of sale.

State
controller's
receipt.

This act shall also apply to state lauds sold by the state when the full amount of the purchase price has not been paid to the state therefor, after the deed to the state, provided for in section three thousand seven hundred eighty-five has been filed with the surveyor general; *provided, however*, that one of the receipts showing the redemption of such land shall be delivered to the surveyor general who shall issue his receipt to the redemptioner; *and provided, further*, that no certificates of redemption shall be issued by the county auditor until he has first ascertained from the surveyor general that the land has not been disposed of by the state.

Application.

CHAPTER 406.

An act making an appropriation to pay the claim of Miller and Lux Incorporated, against the State of California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
claim of
Miller and
Lux, Inc.

SECTION 1. The sum of fourteen thousand ninety dollars and seventy-nine cents (\$14,090.79) is hereby appropriated from any money in the state treasury, not otherwise appropriated, to pay the claim of Miller and Lux Incorporated against the State of California, upon a judgment recovered in the superior court of the State of California, in and for the city and county of San Francisco, in an action entitled, "Miller and Lux Incorporated (a corporation), plaintiff, vs. Friend W. Richardson, state treasurer of the State of California, defendant," No. 79941, and the state controller is authorized and directed to draw his warrant for said amount in favor of Miller and Lux Incorporated, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 407.

An act to amend section four thousand two hundred forty-nine of the Political Code, relating to the compensation of officers in counties of the twentieth class.

[Approved May 25, 1921. In effect July 29, 1921.]

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

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

Counties of
20th class,
salaries of
officers.

4249. In counties of the twentieth class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk shall receive three thousand six hundred dollars per annum and the fees that have been and are now allowed said clerk by the United States bureau of naturalization; *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: Two deputies at a salary of one hundred fifty dollars per month each; one deputy at a salary of one hundred twenty-five dollars per month, and one stenographer and one copyist at a salary of one hundred dollars per month each; *and provided, further*,

that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters, each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors.

2. The sheriff shall receive four thousand eight hundred ^{Sheriff.} dollars per annum; and there shall be and there is hereby allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one court room deputy at a salary of one thousand eight hundred dollars per annum; two deputy sheriffs, each at a salary of one thousand five hundred dollars per annum.

3. The recorder shall receive two thousand five hundred ^{Recorder.} dollars per annum, and there shall be and there is hereby allowed to the county recorder two deputies who shall be appointed by recorder; one chief deputy who shall be paid one thousand eight hundred dollars per annum; and one deputy who shall be paid one thousand two hundred dollars per annum.

The recorder shall collect and pay into the county treasury the fees required by law; *provided*, that whenever the amount of fees so collected in any one month shall exceed the sum of four hundred dollars, the recorder may in addition to his salary, retain for his own use one-half of such excess.

4. The auditor shall receive three thousand, three hun- ^{Auditor.} dred dollars per annum, and there is hereby allowed to the auditor three deputies, who shall be appointed by the auditor, one deputy who shall be paid one thousand eight hundred dollars per annum, and one who shall be paid one thousand three hundred twenty dollars per annum, and one who shall be paid not more than four dollars per day for not to exceed one hundred fifty days during any one year; *and it is further provided*, that if the board of supervisors in any year shall act, order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services and in that event he shall be allowed the further sum of three hundred dollars payable upon the completion and acceptance of said report, and if said report is mailed throughout the county by the auditor he shall be allowed the further sum of one hundred dollars.

5. The treasurer shall receive two thousand four hundred ^{Treasurer.} dollars per annum; and there is hereby allowed to the treas-

urer one deputy to be appointed by him, who shall receive a salary of one thousand five hundred dollars per annum.

Tax
collector.

6. The tax collector shall receive three thousand dollars per annum, and there shall be and there hereby is allowed to the tax collector one deputy, who shall be appointed by the tax collector and shall receive a salary of one thousand eight hundred dollars per annum. And there shall be and there hereby is allowed one copyist to the tax collector for not exceeding six months in the year at a salary of seventy-five dollars per month.

License
collector

7. The license collector shall receive ten per cent of all licenses collected by him.

Assessor.

8. The assessor shall receive four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the assessor the following deputies, clerks and assistants to be appointed by said assessor, which positions are hereby created and the salaries of each of which are hereby fixed as follows: One chief deputy assessor, two thousand dollars per annum; one deputy assessor at one thousand seven hundred dollars per annum and one deputy assessor at one thousand two hundred eighty dollars per annum; eight field deputy assessors for not exceeding four months in any one year, one hundred twenty-five dollars per month; four field deputy assessors for not exceeding three months in any one year, one hundred twenty-five dollars per month; one copyist, one thousand eighty dollars per annum; and such additional assistants as the assessor may require and whose compensation shall not in the aggregate exceed the sum of seven hundred eighty dollars per annum; said additional assistants to be paid for their services on the presentation and filing with the board of supervisors of said county and duly verified claim or claims therefor. Said assessor may employ such assistants as may be necessary in making maps, plates and drawings essential for use in the assessor's office in the performance of his duties, and the expense thereof shall be a charge against the county. *It is hereby further provided*, that the said assessor shall retain no commissions for the collection of personal property taxes, or road poll taxes, but that all such collections shall be paid into the county treasury and become the property of the county.

District
attorney.

9. The district attorney shall receive four thousand two hundred dollars per annum and said district attorney while in receipt of said salary shall be disqualified from engaging in the practice of law in any and all of the courts of this state, in any action or cause wherein the county in which he is elected and serves or the State of California is not a party or parties, and there is hereby allowed to the district attorney one deputy to be appointed by him, who shall receive a salary of two thousand one hundred dollars per annum; one stenographer who shall receive a salary of one thousand three hundred twenty dollars per annum and there is hereby

allowed the district attorney one detective, to be appointed by him, who shall receive a salary of one thousand eight hundred dollars per annum. Said detective shall have all the powers of a peace officer as set forth in section eight hundred thirty-four and eight hundred thirty-six of the Penal Code.

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

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

12. The superintendent of schools, two thousand five hundred dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy who shall be appointed by the superintendent of schools, and shall be paid a salary of one thousand two hundred dollars per annum. Superintendent of schools.

13. The surveyor shall receive two thousand four hundred dollars per annum and necessary traveling expenses while in the performance of duties of his office. Surveyor.

13a. The county librarian shall receive two thousand dollars per annum, and shall be allowed actual and necessary traveling expenses. County librarian.

14. Each supervisor one thousand two hundred dollars per annum, and mileage at twenty cents per mile for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed in any one year the sum of one thousand dollars. Supervisor.

15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court, he shall receive a salary therefor of three thousand four hundred dollars per annum. Reporter.

In addition thereto he shall receive for transcribing notes, the sum of twenty cents per folio for the original, and five cents per folio for all copies thereof.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each shall receive a salary of one hundred twenty-five dollars per month. In townships having a population less than seven thousand and over three thousand there shall be but one justice of the peace elected and he shall receive a salary of thirty dollars per month. In all other townships there shall be but one justice of the peace, who shall receive a salary of twenty dollars per month. All justices in counties of this class shall collect in civil cases only, the following fees, to wit: Justices of the peace.

(1) For all services before trial or entry of judgment by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars,

(3) For certificate and transmitting paper and transcript on appeal, one dollar.

(4) For copies of papers on docket per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

All such fees collected by such justice shall be paid into the salary fund of the county treasury.

Constables.

17. In townships having a population of seven thousand or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over three thousand, there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month.

In all other townships there shall be but one constable who shall receive twenty dollars per month. All constables in addition to the salaries above provided for, shall receive and collect for their use and benefit, in civil cases only, the following fees, to wit:

Fees.

(1) For serving summons and complaints, for each defendant served, fifty cents.

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

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

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond and undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints, and subpoenas, per folio fifteen cents; *provided*, that when correct copies are furnished by him for use, no charge shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

(9) For writing and posting each notice of sale of property, Fees. fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one-half per cent.

(13) For executing and delivering certificates of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from place of arrest, fifteen cents; and the actual cost of the transportation of the prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice court actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars and fifty cents, and for the necessary expense of maintenance and assistance in keeping said prisoner.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at a rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales of execution.

(23) For serving a writ of possession or restitution, putting a person in possession of the premises and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

Grand jurors and jurors in superior courts.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the twentieth class, in civil and criminal cases shall be three dollars, in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jurors was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors in justice's courts.

19. The fees of jurors in justice's courts in civil and criminal cases, shall be two dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending the court in going only; in criminal cases such fees and mileage of said trial jurors in the justice's courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance and the treasurer of said county shall pay said warrants. The fees of jurors on coroner's juries shall be one dollar for each day's attendance, said fees to be paid out of the general fund of said county upon the presentation and filing with the board of supervisors of said county a duly verified claim therefor on proper allowance of said claim by said board of supervisors and the approval of the coroner of said county. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Payment in installments.

20. All salaries of principals and deputies provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

Effect of act.

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

CHAPTER 408.

An act to add a new section to be known as nine a thirteen to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved May 27, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a thirteen, and to read as follows:

Sec. 9a13. In counties of the thirteenth class the salary of the county librarian shall be two thousand four hundred dollars per annum. Counties of 13th class, salary of librarian.

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

CHAPTER 409.

An act appropriating money for repairs, improvements and alterations capitol building and grounds.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of eight thousand five hundred dollars or so much thereof as may be necessary to pay for repairs, improvements and alterations to and on the capitol building and grounds. Appropriation: repairs, capitol building and grounds.

CHAPTER 410.

An act appropriating money for premiums at fairs held by the twenty-fifth agricultural district association.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
fair
premiums
in twenty-
fifth
agricultural
district.

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated an amount equal to the unexpended balance of the moneys appropriated by an act entitled "An act appropriating money for premiums at fairs held by the twenty-fifth agricultural district association, during the seventieth and seventy-first fiscal years," approved May 23, 1919, to be expended in accordance with law for the purpose of paying premiums at fairs held by the twenty-fifth agricultural district association.

CHAPTER 411.

An act directing the state water commission to make a survey of the water resources of the State of California, including surface and underground waters, and to compile a report thereof, and making an appropriation to defray the expenses of such survey.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Survey of
water
resources by
state water
commission.

SECTION 1. It shall be the duty of the state water commission to make such investigations of the water resources of the State of California, as may be necessary for the purposes of securing information needed in connection with applications for appropriations of the waters of the State of California made before said state water commission.

Appropriation.

SEC. 2. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by the state water commission in carrying out the purposes of this act.

CHAPTER 412.

An act to provide for the establishment and maintenance of a division of dental hygiene for children under the direction of the state board of health; defining its powers and duties; and making an appropriation therefor.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The state board of health shall maintain a division of dental hygiene which in addition to the duties and powers hereinafter described shall have charge of such matters and shall have such powers as may, from time to time, be referred to and delegated to it by the state board of health. Said board shall appoint a supervisor of said division, whose salary shall be fixed by the state board of health. The state board of health may also employ and fix the compensation of other additional professional and clerical assistants and such compensation shall be paid from the funds provided for the maintenance of the division of dental hygiene.

Division of dental hygiene for children under state board of health.

SEC. 2. This division shall have the power under the direction and supervision of the state board of health to investigate conditions of dental hygiene affecting the health of the children of this state and to disseminate educational information relating thereto; *provided, however,* that nothing in this act shall be construed as giving the said division of dental hygiene the power to force compulsory dental examination of children. It shall be the duty of said division upon request to advise all public officers, organizations and agencies interested in the health and welfare of children within the State of California.

Powers.

SEC. 3. The sum of fifteen thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be expended in accordance with law for the purpose of carrying out the provisions of this act. All claims against this appropriation shall be audited by the state board of health and by the board of control, and shall be paid by the state treasurer upon warrants drawn by the state controller.

Appropriation.

CHAPTER 413.

An act appropriating money for the purpose of paying the assessment for improving the alley adjacent to the grounds of the Governor's residence in the city of Sacramento, California.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of one thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay

Appropriation: improving alley adjacent to governor's residence.

the assessment levied for paving the alley adjacent to the ground of the governor's residence in the city of Sacramento, California.

CHAPTER 414.

An act to amend section twelve of an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties and forfeitures for noncompliance," approved May 10, 1915, as amended, relating to the terms and conditions upon which corporations may transact business in this state.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Stats. 1917,
p. 377,
amended.

SECTION 1. Section twelve of an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties for forfeitures for noncompliance," approved May 10, 1915, as amended, is hereby amended to read as follows:

Application
to restore
rights.

Sec. 12. All corporate powers, rights and privileges, suspended or forfeited under the provisions of this act may be revived and restored to full force and effect upon application therefor by any stockholder or creditor thereof and upon payment of all accrued taxes and penalties due to the state under this act and subdivision (d) of section fourteen, article thirteen of the constitution. In case the application for such revivor and restoration is not made during the year in which such suspension or forfeiture occurred, such application shall not be granted nor a certificate of revivor issued to such corporation until there is paid to the secretary of state in addition to the tax and money penalty due or that should have been paid the state under this act and subdivision (d) of section fourteen, article thirteen of the constitution for the year in which such suspension or forfeiture occurred, a sum of money, equal to the tax, without penalty, imposed or that should have been paid under this act during the year in which such suspension or forfeiture occurred, for each year succeeding said year in which such suspension or forfeiture occurred. Upon payment of all such taxes and penalties, and upon payment of all other taxes due the state under subdivision (d) of section fourteen, article thirteen of the constitution, or in case no tax was levied thereunder then a sum equal to the tax last assessed for each year succeeding the year in which such tax was levied, and to the time of such revivor, the state controller shall issue a certificate under his seal evidencing such payment and restoration, which certificate, when recorded in the office of any county recorder shall constitute a release of all existing liens for such taxes upon the property of such corporation. Each county recorder shall keep an index of all such

Payment
of addi-
tional
amount.

State
controller's
certificate.

controller's certificates recorded by him. Upon the presentation of such controller's certificate of revivor to any county clerk said officer shall make a record thereof in his office in a book kept for such purpose. The record so made by said county clerk shall be prima facie evidence of the restoration to such corporation of all previously suspended or forfeited rights, powers and privileges unless it appears from the records in the office of such county clerk or of the controller or secretary of state that subsequent to the date of such certificate of revivor the powers of said corporation have been again suspended or its right to do intrastate business again forfeited. "Year" within the meaning of this section is hereby defined as the period between the first Monday in March of any calendar year and the first Monday in March of the following calendar year.

"Year"
defined.

CHAPTER 415.

An act making an appropriation to meet the deficiency in the appropriation for the salaries of state senators for the seventy-first and seventy-second fiscal years.

[Approved May 25, 1921. In effect immediately.]

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

SECTION 1. The sum of three hundred ninety dollars is hereby appropriated out of money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for the salaries of state senators for the seventy-first and seventy-second fiscal years.

Deficiency
appropriation:
salaries of
state
senators.

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

CHAPTER 416.

An act appropriating money for repairs, improvements and equipment at the California Redwood park.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-five thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at the California Redwood park.

Appropriation:
repairs,
California
Redwood
park.

CHAPTER 417.

An act appropriating money to be used for malaria control by the state board of health.

[Approved May 25, 1921. In effect July 20, 1921.]

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

Appropriation:
malaria control.

SECTION 1. The sum of twenty thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law during the seventy-third and seventy-fourth fiscal years by the state board of health for the purposes of malaria control.

CHAPTER 418.

An act appropriating money to be used for plague parasitology by the state board of health.

[Approved May 25, 1921. In effect July 20, 1921.]

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

Appropriation:
plague parasitology.

SECTION 1. The sum of five thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law during the seventy-third and seventy-fourth fiscal years for plague parasitology by the state board of health.

CHAPTER 419.

An act to appropriate money to be expended by and under the direction of the department of engineering for the purpose of rectifying and improving the channels of the Sacramento, San Joaquin and Feather rivers and such other waters of the state as the department of engineering may determine; improving the navigability of such waters and acquiring land for necessary rights of way therefor; making surveys, investigations and report upon the feasibility of canalizing the rivers of the state and constructing canals for navigation, and making surveys, investigations and plans for flood control; the examination and supervision of dams and the investigation of rainfall, snowfall, runoff, and stream flow affecting navigation, flood control or irrigation and preventing and repairing damage in certain cases.

[Approved May 25, 1921. In effect July 20, 1921.]

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

SECTION 1. The sum of one hundred seventy-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the

department of engineering for the purpose of rectifying and improving the channels of Sacramento, San Joaquin and Feather rivers, and such other waters of the state as the department of engineering may determine, improving the navigability of such waters, acquiring land for necessary rights of way for such improvements; making surveys, investigations and reports upon the feasibility of canalizing the rivers of the state and constructing navigable canals, making surveys, investigations and plans for flood control upon any stream, the flood waters of which may injure or menace land in the State of California, including the examination and supervision of dams, and investigation of rainfall, snowfall, runoff, and stream flow affecting or tending to affect navigation, flood control or irrigation upon any of the streams of the state and the prevention or repair of any damage caused or likely to be caused to existing levees by any work done in or upon said navigable rivers, or either of them, by authority of the government of the United States or the State of California, for the purpose of improving their navigability; *provided, however*, that before any expenditure shall be made or contracts awarded by said department for construction work to be done affecting navigable waters, the plans therefor shall be approved by the proper officers of the government of the United States having charge of river work in California.

Appropriation: Improving Sacramento, San Joaquin and Feather rivers.

SEC. 2. All expenditures hereunder for rights of way, labor, materials and machinery, or in payment, in whole or in part, of any contract shall, before being paid, be audited by the state board of control, as provided by law.

CHAPTER 420.

An act appropriating money for office furniture and equipment for the secretary of state's office.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of two thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of furniture and equipment in the office of the secretary of state.

Appropriation: Furniture, secretary of state's office.

CHAPTER 421.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, by controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs; and making an appropriation for such work; and providing for the continuance of such work as provided by section two of an act of the congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
flood control,
Sacramento
river.

SECTION 1. The sum of five hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which shall be available July 1, 1921, for controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs.

SEC 2. The appropriation made by section one of this act is made in compliance with the provisions of section two of that certain act of congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917, and shall be paid to the treasurer of the United States whenever a like sum of five hundred thousand dollars shall have been appropriated or authorized to be appropriated by the congress of the United States, conditional on the payment of an equal amount by the State of California, for the prosecution of said work pursuant to section two of said act of congress. ^{Purpose of act}

SEC. 3. The money hereby appropriated, when paid to the treasurer of the United States, shall be expended under the direction of the California debris commission and in such manner as it may require or approve, and as provided in section two of said act of congress; and none of the money so appropriated shall be expended in the purchase of or payment for any right of way, easement or land acquired for the purposes of said improvement. ^{Expenditure by California debris commission.}

SEC. 4. The controller of the State of California is hereby authorized and directed, upon request of the governor, to draw his warrant or warrants on the state treasury in favor of the treasurer of the United States for the amount hereby appropriated, and the state controller is hereby directed to pay the same. ^{Warrants in favor of U. S. treasurer.}

SEC. 5. If the congress of the United States shall not appropriate the full sum of five hundred thousand dollars for the prosecution of said work in accordance with section two of said act of congress, as hereinbefore referred to, but shall appropriate a less sum or sums from time to time for said purpose, then the said sum hereby appropriated shall become available and be paid over to the treasurer of the United States, for said purpose as hereinbefore provided, in such sum or sums from time to time as may equal the sum or sums so appropriated or authorized to be appropriated by congress. ^{Sums appropriated by U. S.}

CHAPTER 422.

An act appropriating money to be used for the support and maintenance of the division of public health nurses by the state board of health.

[Approved May 25, 1921. In effect July 20, 1921.]

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

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law during the seventy-third ^{Appropriation: division of public health nurses.}

and seventy-fourth fiscal years for support and maintenance of the division of public health nurses by the state board of health.

CHAPTER 423.

An act making an appropriation to carry out the purposes of an act entitled "An act to provide for the establishment and maintenance of a bureau of tuberculosis under the direction of the state board of health; defining its powers and duties; providing for the granting of state aid to cities, counties, cities and counties and groups of counties for the support and care of persons afflicted with tuberculosis; making an appropriation therefor, and repealing certain acts of the legislature of the State of California" and amendatory acts thereto.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
bureau of
tuberculosis.

SECTION 1. The sum of six hundred thousand dollars is hereby appropriated in addition to any amounts heretofore appropriated out of any money in the state treasury not otherwise appropriated to be expended by the state board of health in carrying out the provisions of an act entitled "An act to provide for the establishment and maintenance of a bureau of tuberculosis under the direction of the state board of health; defining its powers and duties; providing for the granting of state aid to cities, counties, cities and counties and groups of counties for the support and care of persons afflicted with tuberculosis; making an appropriation therefor, and repealing certain acts of the legislature of the State of California"; *provided, however*, that not more than sixty thousand dollars shall be available for the purposes of said act other than the state aid herein provided.

All claims against this appropriation shall be submitted for approval and audit to the state board of control and shall be paid in accordance with law; *provided*, that there may be withdrawn from such appropriation with the permission of the state board of control and without at the time furnishing vouchers and itemized statements, a sum not to exceed five hundred dollars, which sum so drawn shall be used as a revolving fund where cash advances are necessary upon the demand of the board of control at any time, and must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller.

SEC. 2. The money appropriated by section one of this act shall be available for expenses incurred from and after the first day of July, 1921.

CHAPTER 424.

An act to add a new chapter to title nine of part three of the Political Code, to be numbered chapter nine thereof, embracing sections three thousand eight hundred thirty-nine to three thousand eight hundred fifty-six, both inclusive, providing for the levy and collection of poll taxes pursuant to the provisions of section twelve of article thirteen of the state constitution as adopted November 2, 1920.

[Approved May 25, 1921. In effect immediately.]

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

SECTION 1. The Political Code is hereby amended by adding a new chapter to title nine of part three thereof, to be numbered chapter nine, embracing sections three thousand eight hundred thirty-nine to three thousand eight hundred fifty-five, and to read as follows:

Chapter IX.

3839. Every alien male inhabitant of this state over twenty-one years of age and under sixty years of age, except paupers, idiots and insane persons, must annually pay a poll tax of ten dollars, as hereinafter provided. In the year one thousand nine hundred twenty-one A. D. such poll tax shall become due and payable on the first day of August and shall become delinquent if not paid on or prior to the thirty-first day of December of said year, whereupon there shall be added thereto a penalty of fifty per cent for such delinquency. In all succeeding years such poll tax shall become due and payable on the first Monday in March and shall become delinquent if not paid on or prior to the thirty-first day of July next ensuing, whereupon there shall be added thereto a penalty of fifty per cent for such delinquency. In the event such poll tax and penalty be not paid on or prior to the thirty-first day of December of the year in which levied, the whole amount thereof, tax and penalty, shall thereafter bear interest at the rate of seven per cent per annum, payable annually in advance on the first day of January for the ensuing year and no remission thereof shall be made for any part of the year during which such delinquent tax, penalty and accrued interest may be collected. ^{Alien poll tax.}

3840. It shall be the duty of every person liable to pay such poll tax to register, annually, as hereinafter provided, in the county, or city and county, wherein he may reside; *provided*, that if he be employed and temporarily domiciled in a different county during the time prescribed for registration he may register in the county of his employment. In conjunction with such registration, such aliens shall in all cases give, under oath, the following data: ^{Registration of aliens.}

1. Name in full.

2. Place of nativity, naming country, and province or state, city or town where born.

3. Age.

4. Height.

5. Weight.

6. Color of eyes and hair.

7. Visible marks or scars.

8. Place of residence, giving, in cities, name and number of street, including number of room if in a hotel or lodging house; in rural districts the name, distance and direction of the nearest town, and name of school district.

9. Place of business or employment, giving exact location as before, and, if permanently employed, the name, address and business occupation of his employer.

10. Length of time in California.

11. Has application for naturalization been made?

12. If so, when and in what court?

13. Number and ages of minor sons, if any, residing in California.

14. Place or places of residence of such minor sons, if not residing with the person registered.

Time for
registration.

In the year one thousand nine hundred twenty-one A. D. the registration of persons liable to such poll tax shall begin ten days after the taking effect of this act and shall be completed on or before the thirty-first day of July. In all subsequent years such registration shall begin on the first business day following the first day of January and shall be completed on or before the Saturday preceding the first Monday in March of such year.

Registration
by county
clerk or
registrar
of voters.

3841. Subject to the provisions of this chapter, such registration shall be conducted under the direction and control of the county clerk, or registrar of voters, in each county, or city and county. Except as otherwise provided herein, each school district within the county, or city and county, shall constitute a territorial unit for the purposes of such registration and each alien subject to the payment of such poll tax shall be required to register within the school district wherein he resides, or wherein he may be employed and temporarily domiciled during the period of registration; *provided, however*, that in school districts composed of cities, or cities and counties, which comprise two or more assembly districts contained wholly or in part within the territorial limits of such city, or city and county, each such alien residing or employed and temporarily domiciled within such city, or city and county, may be required to register within the assembly district wherein he may reside or be so domiciled, and it shall be the duty of the county clerk, or registrar of voters, to keep an accurate record of the aliens so registered in each of such assembly districts.

Temporary
registration
clerks.

In addition to the number of deputies and clerks now allowed by law, each county clerk, or registrar of voters, is

hereby authorized and empowered to appoint such number of temporary registration clerks as he may deem necessary to complete the registration of such aliens within the time limited by the provisions of section three thousand eight hundred forty hereof, and it shall be the duty of each county clerk, or registrar of voters, to appoint at least one such temporary registration clerk within each school district in the county. Before entering upon the duties of such employment, each of such temporary registration clerks shall file in the office of the county clerk, or registrar of voters, his written oath faithfully to perform the duties of such employment. Each of such temporary registration clerks is hereby authorized and empowered to administer oaths to each alien by him registered and to attest with his signature the affidavit required by the provisions of section three thousand eight hundred forty hereof. Each of such temporary registration clerks shall receive in full compensation for all services by him rendered hereunder, a fee of ten cents for each alien so registered, which he shall be entitled to keep for his own sole use and benefit, and the payment of such fee shall not be held, deemed or construed to be an increase in the compensation of the county clerk or registrar of voters by whom he was appointed, and no county clerk or registrar of voters shall be required to pay any part of any such fee into the treasury of the county, anything in any statute to the contrary notwithstanding; *provided*, that no person who is regularly employed and paid a salary by the county shall be eligible for appointment as such temporary registration clerk; and *provided, further*, that no fees shall be charged or collected for the registration of any alien who may register at the office of the county clerk, or registrar of voters, in any county, or city and county, of this state. The provisions hereof shall not be deemed to prohibit the appointment of school trustees or of school teachers as such temporary registration clerks. The fees hereby allowed to such temporary registration clerks shall be a charge upon and shall be payable from the unapportioned county school fund of the county, or city and county, wherein the service is rendered, and shall become due and payable immediately upon the close of the period of registration in each year; *provided*, no payment shall be made to any such temporary registration clerk until the county clerk, or registrar of voters, and the assessor of such county, or city and county, shall each certify, in writing, to the auditor thereof that such temporary registration clerk has delivered to the county clerk or registrar of voters all original affidavits of registration subscribed and sworn to before him and the duplicates thereof to the assessor; *provided, further*, that the auditor shall certify to the superintendent of schools of the county the amounts of such claims and in whose favor. The superintendent of schools of the county shall draw a requisition on the auditor in favor of the claimants against the unapportioned county school fund

Compensa-
tion.

the auditor shall draw his warrant against such fund and the treasurer shall pay the same.

Duplicate
registratun.

The registration of each such alien shall be made in duplicate. The affidavit of registration marked "original" shall be returned to and filed with the county clerk, or registrar of voters; the one marked "duplicate" shall be returned to and filed with the assessor of the county, or city and county. All such affidavits must, in every case, be so returned and filed within three days following the close of the period of registration. The foregoing provision is mandatory and not directory. Every temporary registration clerk who shall fail, neglect, or refuse so to return and file such affidavits shall be subject to a penalty of ten dollars per day for each and every day in excess of three days following the close of registration during which such affidavits are not returned and filed as herein provided, such penalty, in every case, to be deducted from the compensation which would otherwise be due and payable to such temporary registration clerk, unless the penalty be greater than the sum earned, in which event the excess penalty shall be remitted, and the delinquent temporary registration clerk shall receive no compensation.

Alien to
sign
affidavits.

All aliens required to register by the provisions of this chapter who are able to write their names in English script must so sign the affidavits of registration, in duplicate. Those who can not write English script shall sign such affidavits in the script or characters of their native language, and the person by whom such alien is registered shall write the English equivalent immediately below such signature. If such alien be unable to write he shall be required to make an imprint of the ball of his right thumb in the space provided for his signature, after pressing his thumb upon a pad lightly saturated with fast black ink to be supplied for that purpose to each temporary registration clerk by the county clerk, or registrar of voters, by whom he was appointed. If the right thumb of such alien be missing, the left thumb may be so impressed, and a notation of such fact shall be made upon the affidavit of registration, at the time, by the person attesting the same.

Certificate
of
registration.

Each person by whom any such alien is registered shall, at the time of registration, issue to such alien a certificate of registration, which shall be printed upon strong, durable paper, showing the county and date of registration, the name of the person by whom registered, the apparent age, the occupation, and the nativity, height, weight, and color of eyes and hair of the person registered. Such certificate shall also contain an appropriate space for the signature of the person registered, who shall be required to sign such certificate in the same manner that his affidavit of registration is signed and in the presence of the person by whom he was registered. It shall be the duty of each alien so registered to keep such certificate of registration in his immediate personal possession at all times and to exhibit the same, upon demand, to any assessor, deputy assessor or peace officer within this state, whether within the

county of registration or not. Any inability, failure or refusal so to exhibit such certificate of registration for inspection after the period of registration is closed for the current year shall be prima facie evidence of the failure of such alien to register as herein provided and shall be sufficient cause for the immediate arrest, without warrant, and the detention of such alien; *provided*, that any alien who may enter the state to reside or to procure employment after the period of registration is closed must register in the office of the county clerk or registrar of voters of some county, or city and county, in this state within three days after entering the state; *and provided, further*, that any such alien who may so enter the state subsequent to the thirty-first day of July in any year shall be required to pay only the poll tax herein prescribed, without the penalty for delinquency, for such year, such payment to be made at the time of registration. A notation of the remission of such penalty and the reason therefor shall be entered upon the records of such county clerk, or registrar of voters, and upon those of the assessor, auditor and treasurer of such county, or city and county.

The county clerk, or registrar of voters, and the assessor with whom such affidavits of registration are filed must examine the same without delay, and whenever it shall appear therefrom that any person registered within the county, or city and county, was temporarily employed and domiciled therein at the time of registration but resides in some other county, they shall, respectively, at once transmit to the county clerk, or registrar of voters, and to the assessor of such other county, or city and county, a true copy of the affidavit of registration of such person.

Aliens temporarily in county.

3842. Prior to the fifteenth day of July, A. D. one thousand nine hundred twenty-one, and prior to the fifteenth day of February annually thereafter, the treasurer of each county, or city and county, shall procure such number of ten dollar poll tax receipts as may be reasonably adequate to supply the requirements of his county, as determined by the county superintendent of schools, county assessor and county clerk of such county. Such receipts shall be bound together in books or pads of twenty-five each, and shall be attached by a perforated line to a stub. Each receipt and the corresponding stub shall bear the same number. Prior to the fifteenth day of July, A. D. one thousand nine hundred twenty-two, and annually thereafter, the county treasurer shall similarly procure such number of fifteen dollar poll tax receipts as may be reasonably adequate to supply the requirements of his county, to be determined as aforesaid. All such poll tax receipts shall contain appropriate spaces for the insertion of the name, nativity, age, place of residence, or of employment, height, weight, color of hair and color of eyes of the person to whom issued, and shall be signed with ink or indelible pencil by the person issuing the same.

Receipt books procured by treasurer.

The corresponding stub shall contain appropriate spaces wherein there shall be entered the name, occupation, place of residence or employment, age and nativity of the person to whom issued, and the name of the person by whom issued.

Delivery of
receipt
books to
auditor.

3843. The treasurer must, prior to the thirty-first day of July, A. D. one thousand nine hundred twenty-one, and prior to the third Monday in February annually thereafter, sign the ten dollar receipts and enter the number and aggregate amount thereof in a book to be kept by him for that purpose. He shall thereupon deliver all such receipts to the auditor and charge him therewith. Prior to the thirty-first day of July, A. D. one thousand nine hundred twenty-two, and annually thereafter, he shall similarly sign the fifteen dollar receipts, and enter in his records the number and aggregate amount thereof, as before. He shall thereupon deliver such receipts to the auditor and charge him with the number and amount thereof, as before.

Delivery of
receipt
books to
assessor.

3844. Upon the delivery of the foregoing receipts to him, the auditor shall, in each instance, sign the same and enter the number and aggregate amount thereof in a book to be kept by him for that purpose. He shall, thereafter, and at the times fixed by the provisions of this chapter, deliver them to the assessor, in their respective orders, and shall, in all cases, charge the assessor with the aggregate number and amount of all receipts so delivered to the latter.

Collection
of poll tax
by assessor.

3845. It shall be the duty of the assessor of each county, or city and county, in this state to collect the poll taxes and the penalties for delinquency and the interest imposed by the provisions of this chapter. To assist him in the performance of this duty, each assessor is hereby authorized and empowered to appoint in addition to the number now allowed by law, in the years one thousand nine hundred twenty-one and one thousand nine hundred twenty-two A. D. one field deputy for every one thousand aliens residing within such county, or city and county, as shown by the returns of the United States census of one thousand nine hundred twenty, and thereafter one field deputy for every one thousand aliens from whom such poll taxes and penalties were collected within such county during the preceding calendar year; *provided, however*, that in the event the number of such aliens in any county, or city and county, shall exceed five thousand, but one additional field deputy for each two thousand of such number in excess of five thousand shall be appointed. Such additional field deputies shall serve not to exceed ninety working days in any year, and in no event shall their employment begin prior to the first Monday in March or continue later than the thirty-first day of July in any year subsequent to the year one thousand nine hundred twenty-one, A. D.; *provided, however*, that whenever it shall appear that all aliens shown by the registration records to reside within the county, or city and county, or to be employed and temporarily domiciled therein, who are liable to the poll tax imposed by the provisions hereof have

Field
deputies.

paid the same, the employment of such additional field deputies shall cease immediately; *and, provided, further,* that so soon after the first day of August in the year one thousand nine hundred twenty-two, A. D. and succeeding years as the assessor can ascertain from the records of known registrations and payments the number of such aliens registered within the county who have failed to pay such poll tax he shall have power and he is hereby authorized to appoint one additional field deputy for each five hundred of such delinquent aliens, to serve not to exceed thirty days, and in no event later than the first Monday in December next following. In the year one thousand nine hundred twenty-one A. D. the additional field deputies authorized by the provisions of this section shall not be appointed prior to the first day of August, nor shall their employment be continued later than the thirty-first day of December in such year.

The additional field deputies authorized by the provisions of this section shall be paid at the rate of six dollars per day for such time as they actually may be employed at the county seat or within the limits of any incorporated city or town. During such time as they may be employed in rural districts they shall be paid at the rate of seven dollars per day, but shall receive no allowance for mileage, meals, hotels or other traveling expenses of any kind, or for the rental or use of any automobile or other vehicle used in the performance of such duties.

Subject to the limitation that in no event shall the total cost of collecting such poll taxes, penalties and interest exceed twelve per centum of the amount collected, the compensation of all additional field deputies employed hereunder shall be paid, at the foregoing rates, out of the sums so collected, and the assessor is hereby authorized and directed to pay such compensation to such additional field deputies, monthly, at the same time the salaries of other county officers are paid. The aggregate of the sums so paid shall be deducted from the total collections of the preceding month, at each settlement with the auditor and treasurer provided for in sections three thousand eight hundred fifty and three thousand eight hundred fifty-one hereof, and the latter shall, respectively, credit the assessor with the amounts so paid, not, however, exceeding, in any event, twelve per centum of the gross collections.

Nothing in this section contained shall be held, deemed or construed to increase the salary or compensation of any assessor now holding office in any county, or city and county, of this state, it being hereby declared that the foregoing authorization for the employment and compensation of such additional field deputies is directly due to the adoption of the amendment adding section thirteen to article twelve of the constitution of this state, whereby there are imposed upon such assessors new and exacting duties which were not foreseen or provided for at the time of their election or appoint-

ment, and for the proper discharge of which their respective existing forces of deputies, clerks and assistants are hereby determined and declared to be insufficient.

Sale of
personal
property on
failure to
pay tax.

3846. The assessor must demand the payment of the foregoing poll taxes, penalties and interest from every person liable therefor, and upon the failure, neglect or refusal of such person to pay the same, he must collect the amount thereof by the seizure and sale of any personal property owned by such person. Such sale may be made after three hours verbal notice of the time and place thereof, and the provisions of sections three thousand seven hundred ninety-one, three thousand seven hundred ninety-three, three thousand seven hundred ninety-four, three thousand seven hundred ninety-five, and three thousand seven hundred ninety-six of this code shall apply to all such seizures and sales.

Garnishment
of debts and
wages.

3847. In the event any person subject to the poll tax hereby levied shall fail, neglect, or refuse to pay the same prior to the date fixed for the delinquency thereof, the happening of such delinquency shall, ipso facto, render all debts owing to such delinquent, including wages due or to become due for personal service, subject to garnishment and seizure in payment of such taxes and penalties, together with any interest which may have accrued thereon.

Notice of
delinquency
to
employers.

Immediately following the thirty-first day of December in the year one thousand nine hundred twenty-one A. D. and the thirty-first day of July in all succeeding years the assessor must examine the duplicate affidavits of registration on file in his office and ascertain therefrom the identity, business occupation and address of the employer, if any, of each person registered in the county, or city and county, who has failed, neglected or refused to pay such poll tax. He shall thereupon cause to be served upon each such employer, or upon the local agent or representative of such employer, if the employer be a non-resident of the county, or the city and county, a written notice of such delinquency, together with a demand that such employer withhold from any moneys in his possession, then due or thereafter to become due to such delinquent alien, whether for personal services or otherwise, a sum sufficient to pay in full all such delinquent tax and penalties, together with any interest which may have accrued thereon, and a further demand that the amount so withheld be delivered to the assessor in payment of such tax, penalty and interest, if any. Such notice shall state the name, age, nativity and particular place of employment of such delinquent alien, and the amount of the tax, penalties, and interest, if any, due.

Employer to
withhold
amount.

Upon receipt of such notice it shall be the duty of every employer to withhold from any moneys then due or which may thereafter become due to such employee a sum sufficient to pay such delinquent tax and penalties in full, with the interest thereon, if any, and to pay the amount so withheld to the assessor, taking therefor a receipt, in the name of such employee, for the amount so paid, which he shall deliver to the

delinquent employee, in lieu of an equal amount of cash at the time of his next payment of wages to such employee; *provided*, that before any employer so pays to the assessor any wages due to an employee he shall notify the employee of his intent so to do and afford the latter a reasonable opportunity, not exceeding three days, to produce a receipt for the tax alleged to be delinquent; *and, provided, further*, that such notice need not be given if the employee deserts his employment or secretes himself to avoid such notice.

The assessor may serve a similar notice and demand upon any debtor of any person liable to pay such poll tax and penalty, and it shall be the duty of the debtor so served to withhold from his creditor the amount specified in such notice and demand, and to pay the amount so withheld to the assessor; *provided*, such creditor be first notified of such intent and afforded a reasonable opportunity to produce a receipt for the tax alleged to be delinquent. Any debtor so paying any tax, penalty or interest for another shall take from the assessor a receipt therefor, in the name of the person liable, and may deliver such receipt to such creditor in lieu of an equal amount of cash.

In all cases wherein such delinquent alien may be performing work under any contract, whereby his wages are paid by any contractor or subcontractor, and not by the person for whom, or upon whose property, such work is done, the contractor, or subcontractor, by whom such wages are paid shall be held and deemed to be the employer of such delinquent alien for the purposes of this chapter, and such notice shall be served upon the contractor, or subcontractor, and not upon the person for whom, or upon whose property, such work is being done.

3848. The receipt is the only evidence of the payment of such poll taxes. It shall be the duty of every person to whom such receipt is issued to retain the same in his immediate personal possession at all times, and to exhibit the same, upon demand, to any assessor, deputy assessor or peace officer in this state. It shall also be the duty of any such person to exhibit to his employer or to his creditor at the request of either, the receipt for any poll tax or penalty which has been actually paid which is alleged to be unpaid by the terms of any notice served by the assessor upon such employer or creditor as provided herein, and any person who fails so to exhibit any such receipt, within three days after such request, shall have no recourse against such employer or creditor for any money paid by either to the assessor by whom such notice was served.

3849. On or before the third Monday of October in each year subsequent to the year one thousand nine hundred twenty-one A. D., the assessor shall certify to the tax collector the name of every person appearing upon the current assessment roll of the county who, being liable thereto, has failed, neglected or refused to pay any poll tax or penalty, imposed by the

Notice to
debtor.

Notice to
contractor.

Receipt
only
evidence
of payment.

Notice to
tax collector
of persons
who have
failed to
pay tax.

provisions of this chapter, whereupon it shall be the duty of the tax collector to note the fact of such delinquency upon his rolls and to collect all such taxes and penalties at the same time with the first installment of the taxes assessed against any property of such delinquent for the current year. The assessor shall deliver to the tax collector such number of fifteen dollar poll tax receipts as may be necessary to enable the tax collector to issue proper receipts for the poll taxes and penalties collected by him. The latter shall give his receipt therefor, in duplicate, to the assessor, who shall deliver one of such receipts to the auditor, who, in turn, shall charge the tax collector with the aggregate amount of the poll tax receipts so delivered to him.

Monthly
settlement
by assessor.

3850. On the first Monday in each month the assessor must make oath, before the auditor, of the total amount of poll taxes and penalties thereon collected by him during the last preceding month, and must, at the same time, settle with the auditor for the same, and pay to the county treasurer the total amount of such poll taxes and penalties so collected, less the deduction authorized by section three thousand eight hundred forty-five thereof.

Yearly
settlement
by assessor.

3851. On the first Monday in January, A. D., one thousand nine hundred twenty-two, and thereafter on the first Monday in August of each year, commencing with August in the year one thousand nine hundred twenty-two A. D., the assessor must return to the auditor all ten dollar poll tax receipts received by him and not used. He shall, at the same time, pay to the treasurer the total amount collected and not previously paid in, less the deduction authorized by section three thousand eight hundred forty-four hereof. The auditor shall thereupon deliver to the assessor the fifteen dollar poll tax receipts. On the last Monday in December in each year subsequent to one thousand nine hundred twenty-one A. D., the assessor must return to the auditor all of such fifteen dollar poll tax receipts received by him and not used and must make settlement with the auditor and treasurer therefor. The auditor must, so soon as the settlement is made, return to the treasurer the receipts not used. The treasurer must credit the auditor with the receipts so returned, and must thereupon seal them up securely and deposit and keep them in his office.

Correction
of error.

3852. Whenever the name of a person not liable for poll tax is erroneously entered upon said poll tax roll, or whenever the assessor has failed to note the payment of poll tax lawfully assessed, if paid, the board of supervisors may, upon proof thereof, order the necessary correction to be made on the poll tax roll and the assessment roll whereon the same may appear.

Payment of
proceeds to
school
fund.

3853. The proceeds of all poll taxes, penalties, and interest collected under the provisions of this chapter, less only the deductions authorized by section three thousand eight hundred forty-five hereof, shall be paid into the unapportioned county school fund of the county, or city and county, wherein the collection thereof occurred.

3854. The forms of registration affidavits, certificates of registration, poll tax receipts, notices of garnishment and other forms or papers required by the provisions of this chapter shall be uniform throughout the state and shall be prepared by the attorney general. All bills for printing such forms shall be a charge upon and shall be payable from the unapportioned county school fund of the county, or city and county, for which such work is done, and it shall be the duty of the county treasurer to file with the superintendent of schools of the county an approved bill in which he shall give an itemized cost of such printing. The superintendent shall draw a requisition on the auditor in favor of the claimants against the unapportioned county school fund, the auditor shall draw his warrant against such fund and the treasurer shall pay the same within fifteen days following the receipt of each completed order. The color of the paper upon which certificates of registration and poll tax receipts are printed shall be changed annually so that the same color shall not be employed in any two successive years and there shall also be a difference in the colors of the paper upon which there are printed the forms of poll tax receipts prepared to be issued prior to delinquency and those which are prepared to be issued subsequent to the date of delinquency in each year. The forms of affidavits of registration supplied to each county, or city and county, shall be consecutively numbered, in duplicate, commencing with the number one and continuing in sequence until all such forms provided for each county shall be numbered. Such forms, originals and duplicate shall be bound in books or pads of twenty-five each. The certificates of registration, with their corresponding stubs, shall be consecutively numbered and bound in like manner. The numbering shall begin anew with each new registration.

Preparation
and cost of
forms.

3855. Every person subject to the payment of the poll tax hereby imposed who shall: Penalties.

1. Fail, neglect or refuse to register as herein provided; or
2. Falsely state his age to be under twenty-one years or over sixty years for the purpose of evading such tax; or
3. Give or lend to another any certificate of registration or poll tax receipt issued to him hereunder; shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished in the manner provided by law.

3856. In the event it shall be determined by the final judgment of any court of competent jurisdiction that any tax, penalty, or interest collected under the provisions of this chapter was wrongfully collected and that the person from whom such tax, penalty, or interest was collected is entitled to receive restitution of the amount thereof, such judgment shall direct that such restitution be made from the school fund of the county into which such tax, penalty, or interest was paid. Upon receipt of a certified copy of such judgment it shall be the duty of the superintendent of schools of the county to draw his requisition on the auditor in favor of the Tax
wrongfully
collected.

claimants against the unapportioned county school fund, and of the auditor to draw his warrant upon such fund for the amount thereof, and the treasurer shall pay the same. No public officer shall be held personally liable for the proper performance of any official duty imposed upon him by the provisions of this chapter.

In effect
immediately.

SEC. 2. This act being an act providing for a tax levy within the meaning of section one of article four of the constitution shall take effect immediately.

CHAPTER 425.

An act appropriating money to pay the cost of printing, publishing and distributing state textbooks free to the school children of the state in accordance with the provisions of the constitution.

[Approved May 25, 1921. In effect July 29, 1921.]

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

Appropriation:
printing
state
textbooks.

SECTION 1. The sum of five hundred twenty-seven thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the cost of printing, publishing and distributing state textbooks to the school children of the state in accordance with section seven of article nine of the constitution of the State of California. The expense of publishing shall include the payment of royalties, and all material, labor and other expenses necessary to the mechanical work of printing and binding said books. All books shall be printed upon the order of the superintendent of public instruction and claims shall be drawn after being certified to the superintendent of state printing, as provided by law. The expense of distributing shall consist of postage, expressage, freight or other delivery, clerical or other help, and all other necessary expenses connected with such distribution; the claim for same to be presented and certified to by either of the above state officers incurring the same, and audited and allowed in the manner provided by law.

SEC. 2. The moneys appropriated in section one of this act shall be available for expenses incurred on and after July 1, 1921.

CHAPTER 426.

An act appropriating money for repair or exchange of the state automobile of the governor's office.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty-four hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the governor for repairs, painting and upkeep of the state machine belonging to his office, or for use in a cash difference in trade-in value if such exchange is deemed necessary from the standpoint of economy.

Appropriation: repair or exchange of governor's automobile.

CHAPTER 427.

An act appropriating money to pay the claim of L. J. Maddux.

[Approved May 25, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of six hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of L. J. Maddux for prosecuting the cases of People versus Miller and People versus Essary upon the appointment of the attorney general, the district attorney of Stanislaus county being disqualified.

Appropriation: claim of L. J. Maddux.

CHAPTER 428.

An act to add a new section to the Political Code, to be numbered three thousand six hundred sixty-four e, providing for the collection of data and the determination of valuations by the state board of equalization for purposes of taxation and providing an appropriation therefor.

[Approved May 25, 1921. In effect July 29, 1921.]

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

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

3664e. The state board of equalization shall make, or cause to be made, such investigations, appraisements and valuations and collect such other data as it deems proper for the purpose of enabling it to report to each legislature at the convening

Determination of valuations by state board of equalization.

thereof, the relative percentages of tax borne by corporations and industries paying taxes to the state under part three, title nine, of this code as compared to the percentage or rate of ad valorem tax borne by property taxed for local, county, city and county, city or district purposes, and shall include its findings thereon in its biennial report to the governor, as required under section three thousand six hundred ninety-two of this code, and the sum of twenty-five thousand dollars for each biennium is hereby continuously appropriated out of the general fund of the state treasury to pay the actual traveling expenses and for contingent clerical assistance incurred by the members of said board in carrying out the provisions of this act, and all of the powers granted said board by the laws of this state to enable it to carry out its other duties shall apply to and be in full force and effect for its execution of the duties in this section provided.

Appropriation.

CHAPTER 429.

An act authorizing the payment of the claim of John F. Tyler, trustee for William E. Tucker, Mary A. Blass, John H. Crumrine, Eugene B. Stanley, Charles H. Adams, against the State of California, and making an appropriation therefor.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Appropriation:
claim of
John F.
Tyler,
trustee.

SECTION 1. The sum of five thousand seven hundred thirty-one dollars and sixty cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of John F. Tyler, trustee for William E. Tucker, Mary A. Blass, John H. Crumrine, Eugene B. Stanley and Charles H. Adams against the State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of John F. Tyler, as trustee, for said sum, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 430.

An act making an appropriation for the care, maintenance and repair of the California state building at the site of the Panama-California international exposition.

[Approved May 26, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended in accordance with law for the care, maintenance and repair of the California state building at the site of the Panama-California international exposition.

Appropriation
for
care
of
California
building,
Panama-
California
exposition

CHAPTER 431.

An act to provide for the filing of names, marks or other devices used to indicate ownership, providing for certain benefits therefrom, and prescribing penalties for violating the provisions hereof; repealing an act (approved March 21, 1911) entitled "An act to protect the owners of bottles, boxes, siphons and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing 'An act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages,' approved March 31, 1891, also repealing an act to amend an act entitled 'An act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer or other beverages (approved March 31, 1891) by adding thereto a new section after section four thereof relating to deposits, to be numbered as section five of said act, by renumbering section five of said act as section six thereof, and amending the same relating to assignments, and by renumbering section six of said act as section seven thereof,' approved March 5, 1903."

[Approved May 26, 1921. In effect July 29, 1921.]

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

SECTION 1. Any and all persons, firms, corporations or associations engaged in the manufacture, packing, canning, bottling or selling of any substance in containers with his or her name or names, or other marks or devices impressed or pro-

Filing of
name or
device on
containers.

duced thereon; or whose equipment or supplies, owned by and used in his, her or its business, with a name or other mark or device impressed or produced thereon, may file in the office of the county clerk of the county in which his, her or its principal place of business is situate, or if such place of business is situate out of the state, then in the office of the county clerk of any county of the state, and also in the office of the secretary of state, a description of the name or names, marks or devices so used; and also cause such description to be printed once a week for three successive weeks in a newspaper published in the county in which said description may have been filed as aforesaid.

Unlawful
use of
containers.

SEC. 2. It is hereby declared unlawful for any person, firm, corporation or association, without the written consent of the owner, unless the same shall have been purchased from the owner, to use or to fill with any substance, any container so marked or distinguished as aforesaid, with or by any name, mark or device, of which a description shall have been filed and published, as provided in section one of this act, or to erase, obliterate or otherwise cover up or conceal such name, mark or device, or to sell, buy, give, take or otherwise traffic in the same without the written consent of the persons whose name, mark or device shall be or shall have been upon said container, or article of supply or equipment used in the said business or businesses aforesaid, unless the same shall have been purchased from the person, firm, corporation or association whose mark shall be or shall have been thereon.

SEC. 3. The use by any person other than the person, firm, corporation or association whose name, mark, or device shall be upon same, of any such container, supplies or equipment, without the written consent of the owner, unless the same shall have been purchased from the owner, or the having by any junk dealer, or dealer in second-hand articles, possession of any such containers, supplies or equipment, the description of the name, mark or device having been so filed and published as aforesaid, shall and is hereby declared to be presumptive evidence of unlawful use of or traffic in such containers, supplies or equipment.

Deposit for
return of
container.

SEC. 4. Whenever the owner or owners of said containers so marked or branded or of said equipment or supplies used in said business or businesses aforesaid, so marked or otherwise impressed, shall require taking or accepting of any sum of money as a deposit for security for the safekeeping and return of such article or articles, it shall not constitute a sale of such property, either optional or otherwise, in any proceeding under this act.

Search
warrant
to discover
unlawful
use of
container.

SEC. 5. Whenever any of said persons, firms or corporations mentioned in section one of this act, or the agent or agents of said persons, firms or corporations, shall make oath before any magistrate that he has reason to believe, and does believe, that any of the containers, supplies or equipment mentioned in section one of this act, are being unlawfully sold, filled or used, or

are secreted in any place, the said magistrate shall issue a search warrant to discover and obtain the same, and may also cause to be brought before him, the person in whose possession such articles may be found, and if said magistrate finds that such person has been guilty of a violation of this act, he must impose the punishment herein prescribed, and also award the possession of the property taken upon such search warrant to the owner thereof.

SEC. 6. Any person, firm, corporation or association acquiring containers, supplies or equipment so marked, by purchase or other lawful means shall not be required to again file and publish said description, but may acquire as a part of said purchase all such benefit as the vendor has under this act. Containers acquired by purchase.

SEC. 7. Every person, firm, corporation or association who finds or receives such property as mentioned in section one of this act in the regular course of business or in any other manner, shall make diligent effort to find the owner and restore said property. Return of property.

SEC. 8. The violation of any of the provisions of this act shall constitute a misdemeanor, punishable for the first offense by imprisonment for not less than ten days nor more than six months or by a fine of fifty cents for each and every container, or article of supply or equipment so filled, sold, used, disposed of, held, bought or trafficked in, or by both such fine and imprisonment; and for each subsequent offense by imprisonment for not less than twenty days nor more than one year, or by a fine of not less than one dollar nor more than five dollars for each and every container, or article of supply or equipment so filled, sold, used, disposed of, held, bought or trafficked in, or by both such fine and imprisonment. Penalties.

SEC. 9. An act to provide for the filing of names, marks or other devices used to indicate ownership, providing for certain benefits therefrom, and prescribing penalties for violating the provisions hereof; repealing an act (approved March 21, 1911) entitled "An act to protect the owners of bottles, boxes, siphons and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing 'An act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages,' approved March 31, 1891," also repealing "An act to amend an act entitled 'An act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer or other beverages (approved March 31, 1891) by adding thereto a new section after section four thereof relating to deposits, to be numbered as section Stats. 1911, p. 416, repealed.

five of said act, by renumbering section five of said act as section six thereof, and amending the same relating to assignments, and by renumbering section six of said act as section seven thereof,' approved March 5, 1903," and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 432.

An act to amend section eight hundred eighty of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended.

[Approved May 23, 1921. In effect July 29, 1921.]

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

Stats. 1903,
P. 133,
amended.

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

Marshal.

880. The department of police of said city or town shall be under the direction and control of the marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city or town, and every citizen shall also lend his aid, when required for the arrest of offenders and maintenance of public order. He shall, and is hereby authorized to, execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the recorder all breaches or violations of or noncompliance with any ordinance which shall come to his knowledge. He shall collect all taxes levied by the board of trustees, except as is herein provided, and shall, if practicable, mark the post-office address of each absentee property owner on the assessment roll. He shall, at the expiration of any month, pay to the treasurer all taxes and other funds of said city or town collected by him during said month. He shall, upon payment of the money, file with the treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the clerk, and shall, upon depositing with the clerk the delinquent tax list, take his receipt therefor. He shall receive from the clerk all licenses, and collect the same. He shall

have charge of the prison and prisoners, and of any chain gang which may be established by the board of trustees. He shall for service of any process receive the same fees as constables, but his fees for services in any criminal action or proceeding upon process issued from the recorder's court shall not be a charge against the county. He may appoint, subject to the approval of the board of trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible. He may also, with the concurrence of the president of the board of trustees, when the same may be by them deemed necessary for the preservation of the public order, appoint additional policemen. He shall perform such other services as this act and the ordinances of the board of trustees shall require.

CHAPTER 433.

An act to amend section one thousand six hundred sixty-nine of the Code of Civil Procedure, relating to payment of taxes before distribution.

[Approved May 26, 1921. In effect July 29, 1921.]

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

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

1669. Before any decree of distribution of an estate is made, the court must be satisfied, by the oath of the executor or administrator, or otherwise, that all inheritance taxes and personal property taxes due and payable have been paid. Payment of taxes before distribution.

CHAPTER 434.

An act to repeal section three thousand seven hundred fifty-two of the Political Code, relating to the payment of taxes before distribution.

[Approved May 26, 1921. In effect July 29, 1921.]

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

SECTION 1. Section three thousand seven hundred fifty-two of the Political Code is hereby repealed. Repealed.

CHAPTER 435.

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

[Approved May 26, 1921. In effect July 29, 1921.]

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

Stats. 1883,
p. 268,
amended.

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

Election
provisions.

Sec. 856. All elections in such city or town shall be held in accordance with the general election laws of the state, so far as the same may be made applicable, or such election laws as may be provided for municipalities; and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided in such city for at least thirty days next preceding such election. The board of trustees shall give notice of each election, shall appoint a board of election, and fix their compensation; and they shall establish election precincts and polling places, and may change the same.

CHAPTER 436.

An act to amend section two hundred seventy-six a of the Code of Civil Procedure, relating to appointment, qualifications and compensation of board of bar examiners.

[Approved May 26, 1921. In effect July 29, 1921.]

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

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

Board of
bar
examiners.

276a. The supreme court is empowered to appoint three competent attorneys to examine applicants for admission as attorneys and counselors at law. Such persons shall constitute the board of bar examiners. The said board shall hold examinations for admission to the bar of applicants who have regularly filed their applications and paid all necessary fees, upon such subjects, and at such times and places as the supreme court or said board may, by its rules or orders direct; *provided*, that said examination shall be wholly or in part written examinations. The examinations may be conducted by two members of the board. Said board shall issue a certificate to each of

said applicants who shall satisfactorily pass such examination and who shall satisfy said board as to his moral character. Nothing herein shall be construed as preventing the district courts of appeal from further examining any applicant where deemed proper.

In addition to any fee prescribed by law for certificate of admission of attorney or counselor, every applicant for examination shall pay to the clerk of the district court of appeal to which he presents his application, as a fee for such examination, the sum of fifteen dollars. Such fees must be paid into the state treasury to the credit of the bar examinations fund and accounted, settled and charged for, in the same manner as provided by law for other fees collected by said clerk. A bar examinations fund is hereby created for the expenses of said board of bar examiners, which fund is under the control of the supreme court. Upon the order of the supreme court the controller must without approval of any board, draw his warrant upon the treasurer for the amount specified, and in favor of the person designated in such warrant, which warrant must be paid out of such fund exclusively. Unused balances, if any, in such fund may be transferred to the general fund, from time to time, upon the order of the supreme court.

The members of said board shall act without compensation, but shall be allowed their necessary traveling, office and incidental expenses, including clerical and other assistance required by the board in preparing and conducting such examinations and determining the results thereof, and may fix, subject to the approval of the supreme court, the compensation for such assistance. Payments for the said expenses and assistance shall be made exclusively out of the fees of applicants as provided in this section and section two hundred seventy-nine of this code, and out of such appropriation as may be expressly made for that purpose by the legislature.

No person who is engaged in the teaching of law or who is connected with any law school, either in a teaching or an administrative capacity, shall during such employment be eligible as a member of said board or in any employment under said board.

The members of said board shall hold office during the pleasure of said supreme court, and all vacancies therein shall be filled by said court.

CHAPTER 437.

An act making an appropriation to pay the claim of the Stockton Livestock Company against the State of California.

[Approved May 26, 1921. In effect July 29, 1921.]

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

Appropriation: claim of Stockton Livestock Co.

SECTION 1. The sum of three hundred thirty-three dollars and eighty-eight cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the Stockton Livestock Company against the State of California.

CHAPTER 438.

An act to amend section four thousand two hundred seventy of the Political Code, relating to salaries, fees and compensation of officers of counties of the forty-first class.

[Approved May 26, 1921. In effect July 29, 1921.]

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

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

Counties of 41st class, salaries of officers.

4270. In counties of the forty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following compensation and salaries, to wit:

County clerk.

1. The county clerk, two thousand dollars per annum; *provided*, that in counties of this class there shall be one deputy county clerk who shall be appointed by the county clerk of said county, and shall receive a salary of one thousand two hundred dollars per annum, payable out of the treasury of said county at the same time and in the same manner as the salaries of county officers are paid.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.

Recorder.

3. The recorder, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder one deputy recorder who shall be appointed by the recorder and shall be paid a sum of one thousand two hundred dollars per annum, also one deputy recorder who shall be appointed by the recorder and shall be paid a salary of one thousand dollars per annum, said salaries to be paid in equal monthly installments at the same time and in the same manner as the salaries of other county officers are paid.

4. The auditor, five hundred dollars per annum. Auditor.
5. The treasurer, one thousand two hundred dollars per annum. Treasurer.
6. The tax collector, eight hundred dollars per annum, which shall be in full for all services as such tax collector and license collector; *provided*, that in counties of this class there shall be one deputy tax collector who shall be appointed by the tax collector of said county and shall receive a salary of one thousand two hundred dollars per annum, payable out of the treasury of said county at the same time and in the same manner as the salaries of county officers are paid. Tax collector.
7. The assessor, one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be one chief deputy assessor and one deputy assessor who shall be appointed by the assessor of said county. Said deputy assessor shall serve as such only during the months of March, April, May and June of each year and shall receive a salary of one hundred dollars per month, payable during the period of such service, and said chief deputy assessor shall receive a salary of one thousand two hundred dollars per year, such salaries to be payable at the same time and in the same manner as the salaries of county officers are paid. Assessor.
8. The district attorney, one thousand five hundred dollars per annum. District attorney.
9. The coroner, five hundred dollars per annum, and his actual traveling and other expenses while performing the duties of his office. Coroner.
10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.
11. The superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be one deputy superintendent of schools who shall be appointed by the superintendent of schools, which deputy shall receive a salary of not more than seven dollars and fifty cents per day and which salary shall not in any one calendar year exceed the sum of four hundred dollars, said salary to be paid upon presentation of regularly filed claims therefor with the board of supervisors. Superintendent of schools.
12. Each supervisor, fifty dollars per month, and his necessary and actual expenses when attending to the business of the county by order of the board, and mileage at the rate of twenty cents per mile for traveling from his residence to the county seat to attend the sessions of the board, and mileage at the rate of twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as road commissioner. Supervisor.
13. In counties of this class the township officers shall receive the following compensation. For the purpose of fixing the compensation of justices of the peace and constables according to their duties townships in counties of this class are hereby classified according to their population as follows: Classification of townships.

townships having a population of eight thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred or more and less than eight thousand shall belong to and be known as townships of the second class; and townships having a population of less than two thousand five hundred shall belong to and be known as townships of the third class.

Justices of
the peace

Justices of the peace shall receive the following salaries: in townships of the first class one hundred dollars per month; in townships of the second class forty dollars per month; and in townships of the third class twenty dollars per month. Such salaries shall be paid in the same manner and out of the same fund as salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month.

Constables.

Constables shall receive the following salaries: in townships of the first class one hundred dollars per month; in townships of the second class forty dollars per month; and in townships of the third class twenty dollars per month; and also actual traveling and other necessary expenses incurred in the pursuit and arrest of criminals and investigation of criminal offenses; and *provided*, that said constables shall be entitled to retain for their own use the mileage fees in civil cases, and all other fees received by them shall be paid into the county treasury every month.

14. For the purposes of section fourteen the population of the several townships shall be ascertained by the United States census taken in the year 1920.

Jurors.

15. Grand jurors and jurors in the superior court shall receive for each day's attendance three dollars, and for each mile traveled in attending court as a juror, one way, fifteen cents.

Effect.

16. The provisions of subdivision six shall apply to and affect incumbents during their present term of office.

CHAPTER 439.

An act appropriating money for the housing and training of patients at the Southern California State Hospital.

[Approved May 26, 1921. In effect July 29, 1921.]

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

Appropriation:
housing,
Southern
California
State
Hospital.

SECTION 1. The sum of ninety thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the housing and training of patients at the Southern California State Hospital.

CHAPTER 440.

An act appropriating money for repairs, improvements and equipment for the California Polytechnic School at San Luis Obispo.

[Approved May 26, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of ninety-one thousand eight hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment for the California Polytechnic School at San Luis Obispo.

Appropriation:
repairs,
California
Polytechnic
School

CHAPTER 441.

An act appropriating money for improvements to streets and grounds at Fresno State Normal School.

[Approved May 26, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of twenty thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for improvements to streets and grounds at Fresno State Normal School.

Appropriation.
improvements,
Fresno
State
Normal
School.

CHAPTER 442.

An act appropriating the sum of seventy-five thousand dollars to defray the expense, during the seventy-third and seventy-fourth fiscal years, of organizing, controlling, equipping, instructing and maintaining the high school cadet companies in the State of California and for promoting rifle practice in said companies and to further carry out the purposes of an act entitled "An act to provide for the organization, control and equipment of high school cadet companies and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor."

[Approved May 26, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of seventy-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be used in accordance with law

Appropriation high
school
cadets.

to defray the expense, during the seventy-third and seventy-fourth fiscal years, of organizing, controlling, equipping, instructing, and maintaining the high school cadet companies in the State of California and for promoting rifle practice in said companies and to further carry out the purposes of an act entitled "An act to provide for the organization, control and equipment of high school cadet companies and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor."

CHAPTER 443.

An act to amend section one of an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties and forfeitures for noncompliance," approved May 11, 1917, as amended, relating to the terms and conditions upon which corporations may transact business in this state.

[Approved May 26, 1921. In effect July 29, 1921.]

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

Stats. 1917,
p. 371,
amended.

SECTION 1. Section one of an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties and forfeitures for noncompliance," approved May 11, 1917, as amended, is hereby amended to read as follows:

Corporations
must file
articles
of in-
corporation.

Section 1. Every corporation organized under the laws of another state, territory, or of a foreign country, which is now doing interstate or intrastate business in this state or maintaining an office herein, and which has not filed with the secretary of state prior to the day on which this act takes effect the document or documents required by this section, or which shall hereafter do such business in this state or maintain an office herein, or which shall enter this state for the purpose of doing such business herein, must file in the office of the secretary of state of the State of California a certified copy of its articles of incorporation, or of its charter, or of the statute or statutes, or legislative, or executive, or governmental act or acts creating it, in cases where it has been created by charter, or statute, or legislative, or executive, or governmental act, duly certified by the secretary of state or other officer authorized by the law of the jurisdiction under which such corporation is formed to certify such copy, and must also file a certified copy thereof, duly certified by the secretary of state of this state in the office of the county clerk of the county where its principal place of business in this state is located, and also where such corporation owns any real property. With such certified copy of its articles of incorporation, charter, or legislative, executive

Amended.

or governmental act creating it, such corporation shall also file with the secretary of state an affidavit sworn to by the president or secretary of such corporation, which shall state the amount of such corporation's authorized capital stock at or within fifteen days prior to such filing. Every such corporation shall pay to the secretary of state for filing in his office such certified copy of its articles of incorporation, or of its charter, or of the statute or statutes, or legislative, or executive, or governmental act or acts creating it, a fee of seventy-five dollars; *provided*, that foreign corporations organized for educational, religious, scientific or charitable purposes and having no capital stock, and foreign nonprofit corporations shall pay a fee of five dollars for filing the document or documents hereinabove required. Fee.

Foreign corporations shall also file any amendment of or change in any of the provisions of its original articles of incorporation, or charter, or of the statute or legislative, executive or governmental act or acts creating it. Every foreign corporation subject to the tax hereinafter provided shall file with the secretary of state, at the time it tenders payment of said tax and any penalty which has accrued, an affidavit sworn to by its president or secretary, showing the amount of its authorized capital stock on the first day of January of the year in which said payment is made and in the event that such authorized capital stock, as shown by such affidavit, differs from the amount of such capital stock as appears from the records of the secretary of state, then the tax hereinafter provided shall be measured by the amount of the capital stock shown in such affidavit. The license hereinafter required shall not be issued nor shall the amount so tendered be accepted until copies of any documents relating to such change in authorized capital stock, certified as required by this section, shall have been filed with the secretary of state. Foreign corporations.

Every foreign corporation shall file with the secretary of state a designation of some person residing within this state upon whom process issued by authority of law may be served as the representative, for such purpose, of such corporation. A copy of such designation certified by the secretary of state is sufficient evidence of the appointment of such representative. Such process may be served on the person so designated, or, in the event that no such representative is designated, then on the secretary of state, and such service shall be a valid and binding service on such corporation. Affidavit.

Every corporation subject to the provisions of this section and every such corporation hereafter becoming subject to the provisions thereof, which shall neglect or fail to file with the secretary of state as herein provided, shall be subject to a fine of not less than five hundred dollars to be recovered in any court of competent jurisdiction: and it is hereby made the duty of the secretary of state and of the state board of equalization, when either may be advised that corporations are doing Representative of foreign corporation

Penalties.

business in contravention of this section to report the fact to the attorney general of this state, who shall as soon as practicable institute proceedings to recover the fine provided for in this section, and the amount so recovered must be paid into the state treasury to the credit of the general fund of the state and it is hereby made the duty of the district attorney of any county in which any action shall be brought under the provisions of this act, to assist the attorney general in the prosecution thereof.

In addition to the penalty herein provided every contract made by or on behalf of any such foreign corporation affecting the personal liability thereof or relating to property within the state shall be held void on its behalf and on behalf of its assigns, but shall be enforceable against it or them.

Corporation
entitled
to
benefit of
law.

Every corporation which complies with the provisions of this section is thereafter entitled to the benefit of the laws of this state limiting the time for the commencement of civil actions, but any corporation created by or under the laws of any foreign state or country and that has not complied with this section is not entitled to the benefit thereof, nor can any such foreign corporation maintain or defend any action or proceeding concerning its property in this state or any intra-state business or transaction, in any court of this state or acquire or convey any legal title to any real property within this state. In any action or proceeding instituted against any body styled as a corporation, but not created by nor under the laws of this state, evidence that such body has acted as a corporation, or employed methods usually employed by corporations, must be received by the court for the purpose of proving the existence of such corporation, the sufficiency of such evidence to be determined by the court with like effect as in other cases. Every corporation which has complied with the law requiring it to make and file a designation of the person upon whom process against it may be served, need not make or file any further designation. Any designation made may be revoked by the filing by the corporation with the secretary of state of a writing stating such revocation. Within forty days after the death or removal from the state of any person designated by the corporation, or after the revocation of the designation, the corporation must make a new designation, or be subject to the provisions and penalties of this section: *provided, however,* that any foreign corporation which, prior to the eighth day of March, one thousand nine hundred one, shall have complied with the provisions of the act entitled, "An act to amend 'An act in relation to foreign corporations,' approved April 1, 1872," approved March 17, 1899, shall, in lieu of the provisions of this section above set forth, file the affidavit and designation of representative herein required and the license tax due from such corporation shall be measured by the authorized capital stock, as shown thereby.

CHAPTER 444.

An act to amend an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction and completion thereof," which became a law under the constitutional provision without the governor's approval, February 25, 1901, as subsequently amended, by adding a new section thereto to be numbered section fourteen, relating to bonds for a city plan.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. An act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction and completion thereof," which became a law under the constitutional provision without the governor's approval, February 25, 1901, as subsequently amended is hereby amended by adding a new section thereto to be numbered fourteen, and to read as follows:

Sec. 14. In any city having a city planning commission, Bonds for city plan. which commission has approved a number of municipal improvements in one group as constituting a city plan, and which city plan has been subsequently approved by a majority vote of the qualified electors of the city voting thereon, the legislative body of such city may submit a bond issue as authorized by this act, said bond issue to include bonds for all the improvements of said city plan in one bond issue for one gross amount. The approval of such city plan by the electors of the city may be given at the election at which said bond issue is submitted or may have been given at a previous election. Included in the improvements covered by such city plan and bond issue therefor may be land for public use, public buildings including auditoriums and stadiums, parks, streets, transportation facilities, or any of the improvements for which bonds are authorized to be voted by section two of this act, or elsewhere therein.

CHAPTER 445.

An act appropriating money for buildings, improvements and equipment for Pacific Colony.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
buildings,
Pacific
Colony.

SECTION 1. The sum of one hundred twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for buildings, improvements and equipment for Pacific Colony.

CHAPTER 446.

An act appropriating money to augment, develop and improve the water supply and the water system at the Whittier State School.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
water
supply,
Whittier
State
School.

SECTION 1. The sum of thirty-three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to augment, develop and improve the water supply and the water system at the Whittier State School.

CHAPTER 447.

An act appropriating money for repairs, improvements and equipment for Napa State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

Appropriation:
repairs,
Napa State
Hospital.

SECTION 1. The sum of ninety-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment for Napa State Hospital.

CHAPTER 448.

An act appropriating money for power house, equipment and steam distribution system at Napa State Hospital.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of thirty-four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for power house, equipment and steam distribution system at Napa State Hospital.

Appropriation: power house, etc., Napa State Hospital.

CHAPTER 449.

An act appropriating money for repairs, improvements and equipment at the San Diego State Normal School.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of eighty-four thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment at the San Diego State Normal School.

Appropriation: repairs, San Diego State Normal School.

CHAPTER 450.

An act appropriating money to provide readers for the blind students in the University of California, junior colleges and other institutions of learning, and to assist deaf students attending the National College for the Deaf at Washington, D. C.

[Approved May 24, 1921. In effect July 29, 1921.]

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

SECTION 1. The sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended under the supervision of the board of directors of the California School for the Deaf and the Blind, during the biennial period ending June 30, 1923, in providing readers for blind persons who shall be residents of the State

Appropriation: readers for blind students.

of California and graduates of the California School for the Deaf and the Blind, and who shall regularly matriculate in and work for a degree in the University of California, junior colleges or other institutions of learning designated by the board of directors of the California School for the Deaf and the Blind; and in defraying the expenses of deaf persons who shall be citizens of the State of California, and graduates of the California School for the Deaf and the Blind, taking a collegiate course of instruction in the National College for the Deaf at Washington, D. C.; *provided, however*, that no more than three hundred dollars shall be expended for any one student, during any one school year.

CHAPTER 451.

An act to amend section four thousand two hundred sixty-four of the Political Code, relating to the compensation of officers of counties of the thirty-fifth class.

[Approved May 27, 1921. In effect—see subsection 10.]

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

SECTION 1. Section four thousand two hundred sixty-four of the Political Code is hereby amended so as to read as follows:
4264. Counties of the thirty-fifth class, salaries of officers.

Counties of
35th class,
salaries of
officers.

In counties of the thirty-fifth class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices the following salaries and fees to wit:

County
clerk.

1. The county clerk, two thousand seven hundred dollars per annum, which shall be in full for all services, including registering voters and making the great register, excepting such services as are performed by said clerk as agent for the state; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk two deputies, who shall be appointed by said county clerk, one of which deputies shall be paid a salary of one thousand eight hundred dollars per annum, and the other said deputy shall be paid a salary of one thousand two hundred dollars per annum, said salaries to be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the county clerk is paid.

Sheriff.

2. The sheriff, five thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one undersheriff to be appointed by him, who shall receive one thousand eight hundred dollars per annum, whose salary shall be paid by the county, in monthly installments, at the same time, in the same manner, and out of the same fund as the sheriff is paid.

Said sheriff shall also have for his own use all fees, commissions and mileage for the service of all papers served by him and issued without his county.

3. The recorder, two thousand four hundred dollars per annum, in full of all services, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall be a copyist, and who shall receive one thousand two hundred dollars per annum, whose salary shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the recorder is paid; *provided*, that when the board of supervisors shall deem it necessary, it may allow the recorder an additional copyist, to be paid not more than five cents per folio for any work done by said copyist, said compensation to be paid monthly by the county; *provided, further*, that the fees heretofore allowed the recorder for his own use by section three thousand seventy-nine of the Political Code shall be hereafter paid into the county treasury. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation, and it is intended that the same shall apply immediately to the present incumbents. Recorder.

4. The auditor, two thousand four hundred dollars per annum, and he is hereby allowed one deputy, to be appointed by him, who shall receive one thousand five hundred dollars per annum, whose salary shall be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the auditor is paid; *provided*, that if the board of supervisors in any year shall order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services, he may be allowed a further sum not to exceed three hundred dollars, which said board of supervisors shall allow upon the completion and acceptance of the report; *provided, further*, that if the board of supervisors in any year shall order or direct the auditor to prepare and compile a report showing the classified annual pay roll of the county, and on so performing such services, he shall be allowed an additional sum of not to exceed one hundred dollars, to be allowed by said board of supervisors and paid by the county; *provided*, that the compensation herein provided for the auditor shall include the services heretofore compensated under the provisions of section four thousand ninety-nine a, Political Code, and it is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents. Auditor

5. The treasurer, two thousand four hundred dollars per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury. Treasurer.

6. The tax and license collector, two thousand one hundred dollars per annum, in full compensation for all services, and he is hereby allowed a deputy, to be appointed by him, for eight months of the year, at a compensation of one hundred twenty-five dollars per month, the salary of said deputy to be paid by the county, in monthly installments, at the same Tax and
License
collector

time, in the same manner, and out of the same fund as the tax collector is paid.

Assessor.

7. The assessor, three thousand dollars per annum, in full compensation for all services, and he is hereby allowed, in addition thereto, such deputies and typists, to be appointed by him, as he may deem necessary to carry on the work of his office; *provided, however*, that not more than a total of four thousand dollars shall be paid in any year for such deputies and typists, no typist to be paid more than seventy-five dollars per month and no deputy to be paid more than eight dollars per day while engaged in the performance of their respective duties; *provided, further*, that the assessor shall be allowed his own necessary traveling expenses in the performance of his official duties as assessor.

District attorney.

8. The district attorney, two thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall receive one thousand five hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now, or may be hereafter allowed by law; *provided*, that for such miles necessarily traveled by him in going to and returning from the place of an inquest, he shall receive twenty-five cents per mile each way.

Public administrator.

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

Superintendent of schools.

11. The superintendent of schools, two thousand one hundred dollars per annum, and necessary expenses in visiting schools in the county, not to exceed ten dollars for each school visited, to be allowed by the board of supervisors of the county; and there is hereby allowed one deputy, appointed by the superintendent of schools, who shall receive nine hundred dollars per annum, said salary to be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the superintendent of schools is paid.

Surveyor.

12. The surveyor, ten dollars per day for all work performed for the county, and, in addition thereto, all necessary expenses and transportation for work performed in the field, which per diem and expenses shall be in lieu of all fees and per diem heretofore allowed by law.

Classification of townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of one thousand nine hundred twenty as follows: Townships having a population of three thousand and more shall belong to and be known as townships of the first class; townships having a population of one thousand five hundred and less than three thousand shall belong to and be known as townships of the second class; townships having a population of one thousand three hundred and less than one thousand five hundred shall belong to and be known as townships of the third class; townships having a population of eight hundred and less than nine hundred shall belong to

and be known as townships of the fourth class; townships having a population of nine hundred and less than one thousand three hundred shall belong to and be known as townships of the fifth class; and townships having a population of less than eight hundred shall belong to and be known as townships of the sixth class.

14. Justices of the peace shall receive the following salaries ^{Justices of the peace.} which shall be paid monthly out of the general fund of the county in the same manner as the salaries of county officers are paid, and shall be in full of all services, to wit: In townships of the first class, one hundred ten dollars per month; in townships of the second class, ninety dollars per month; in townships of the third class, sixty-five dollars per month; in townships of the fourth class, fifty dollars per month; in townships of the fifth class, fifteen dollars per month; and in townships of the sixth class, fifteen dollars per month.

15. Constables shall receive the following salaries, which ^{Constables.} shall be paid monthly, in the same manner as the salaries of county officers are paid out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, sixty dollars per month; in townships of the fourth class, forty-five dollars per month; in townships of the fifth class, fifteen dollars per month, and in townships of the sixth class, fifteen dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoner to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming in the service of subpoenas, in criminal actions, per mile, ten cents; which said expense and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

In addition to the monthly salaries herein allowed for services in criminal actions and cases, each constable may, for his own use, collect the following fees, and no other, in civil actions:

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

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

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

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

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

For taking bond or undertaking, fifty cents.

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

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

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

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

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

For executing and delivering certificate of sale, fifty cents.

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

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed, or paid in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from the place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury, in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

Census
of new
township.

16. It is expressly provided that in counties of this class, where a township has been created, or may hereafter be created out of any township, the population of which is shown in the federal census of nineteen hundred twenty, the population of the newly created township and the population of the township from which the newly created township was taken shall be separately ascertained and determined by the board of

supervisors in the following manner: By appointing a suitable person in each of such townships to take said census, and said census shall be taken by said person so appointed of all the inhabitants of each of said townships; the full name of each person shall be fully written, the names alphabetically and regularly numbered in one complete series, and when completed shall be verified before any officer authorized to administer oaths, and be filed with the county clerk, and thereupon the same shall be the official census of said township or townships. The expense of taking said census shall be a county charge. From the taking of such census the salary of the justices of the peace and of the constables of the newly created township, and the township from which the newly created township was taken, shall be estimated and paid on the basis of the classification hereinbefore given under the federal census of nineteen hundred twenty pro rata according to the population of the newly created and former township as shown by the census taken as hereinbefore provided to be ascertained and determined by the board of supervisors. County officers must, and township officers may, demand the payment of all fees in advance. Justices of the peace shall, on or before the first Monday of each month, pay into the county treasury all moneys collected by them on fines imposed and collected and all moneys belonging to the county coming from any source.

17. Each member of the board of supervisors, one thousand ^{Supervisors.} five hundred dollars per annum and ten cents per mile, one way between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; *provided*, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

18. Grand jurors and trial jurors in the superior court in ^{Jurors.} civil or criminal cases, shall receive, as compensation for each day's attendance, per day four dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, per mile twenty-five cents. Witnesses in the justice courts and trial jurors in the same, in civil or criminal cases, when sworn to try the case, shall receive as compensation for each day's attendance, two dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, fifteen cents per mile.

19. The provisions of subdivisions fourteen and fifteen of this act shall not become operative until the first Monday of January, at noon, in the year one thousand nine hundred twenty-three, but the other provisions hereof shall become operative at the expiration of ninety days after the final adjournment of the present session of this legislature, excepting the increases in compensation of the principal offices mentioned in subdivisions six and eleven, and the increase in mileage mentioned in subdivision nine, which increases shall not

become operative until the expiration of the present terms of the incumbents in the offices affected thereby.

Effect of act.

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

CHAPTER 452.

An act to amend section four thousand two hundred sixty-nine of the Political Code, relating to salaries of officers of counties of the fortieth class.

[Approved May 27, 1921. In effect July 29, 1921.]

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

Counties of 40th class, salaries of officers.

SECTION 1. Section four thousand two hundred sixty-nine of the Political Code is hereby amended to read as follows: 4269. In counties of the fortieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County clerk.

1. County clerk. The county clerk, three thousand dollars per annum, and the said county clerk may appoint one deputy county clerk, which said office of deputy county clerk is hereby created. The salary of such deputy county clerk is hereby fixed at one thousand five hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid. Provided, that in each year in which a new and complete or supplemental registration of voters is required by law, the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters in the county, which deputy registration clerks shall receive as compensation for their services the sum of ten cents per name for each and every voter registered by them; said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of the county of a duly verified claim therefor, approved by the county clerk; provided, further, that the county clerk shall appoint one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed the sum of four hundred dollars for each such registration.

Sheriff.

2. Sheriff. The sheriff, four thousand dollars per annum, and actual traveling expenses in the pursuit or arrest of criminals, either in or out of his county; and the said sheriff may appoint one under-sheriff, which said office of under-sheriff is hereby created. The salary of such under-sheriff is hereby

fixed at one thousand five hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid, and actual traveling expenses in the pursuit or arrest of criminals, either in or out of his county.

3. Recorder. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand five hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid. Recorder.

4. Auditor. The auditor, one thousand five hundred dollars per annum. Auditor

5. Treasurer. The treasurer, one thousand five hundred dollars per annum; and the said treasurer may appoint one deputy treasurer, which said office of deputy treasurer is hereby created. The salary of such deputy treasurer is hereby fixed at one thousand two hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid. Treasurer.

6. Tax collector. The tax collector, one thousand five hundred dollars per annum, which shall be in full for all services as tax collector and as license collector. Tax collector.

7. Assessor. The assessor, three thousand dollars per annum. The said assessor may appoint one office deputy assessor, which said office of deputy office assessor is hereby created, who shall serve as such only during five months of each calendar year. Said office deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of said services, at the same time and in the same manner as the salary of county officers is paid. The said assessor may also appoint one additional deputy assessor, who shall be designated as a "field deputy assessor," which said office of "field deputy assessor" is hereby created, who shall serve as such only during five months of each calendar year. Said "field deputy assessor" shall receive a salary of one hundred dollars per month payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid. Assessor.

8. District attorney. The district attorney, three thousand dollars per annum. Said district attorney may appoint one clerk to the district attorney, which said office of clerk is hereby created. Said clerk to the district attorney shall receive a salary of one hundred dollars per month, payable at the same time and in the same manner as the salary of county officers is paid. District attorney

9. Coroner. The coroner, nine hundred dollars per annum, and his actual traveling and other expenses while performing the duties of his office. Coroner.

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

Superintendent of schools.

11. Superintendent of schools. The superintendent of schools, two thousand seven hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Said superintendent of schools may appoint one deputy superintendent of schools, which said office of deputy superintendent of schools is hereby created. Said deputy superintendent of schools shall receive a salary of eighty dollars per month; *provided*, that said deputy superintendent of schools shall only serve and be paid as such during five months in each calendar year.

Surveyor.

12. Surveyor. The surveyor, one thousand two hundred dollars per annum; and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county.

Justices of the peace and constables.

13. Justices of the peace and constables. In counties of this class the township officers shall receive the following compensation, to wit:

In townships having a population of five thousand or more, justices of the peace shall receive a monthly salary of one hundred fifty dollars per month; constables in townships of this population shall receive a salary of one hundred dollars per month.

In townships having a population of one thousand five hundred and less than three thousand, the justices of the peace and constables shall each receive a salary of forty-five dollars per month.

In townships having a population of eight hundred and less than one thousand five hundred, the justices of the peace and constables shall each receive a monthly salary of thirty-five dollars per month.

In townships having a population of five hundred and less than eight hundred, the justices of the peace and constables shall each receive a monthly salary of twenty dollars per month.

In townships having a population of less than five hundred, the justices of the peace and constables shall each receive a monthly salary of ten dollars per month.

The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law, for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided, further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the general election of nineteen hundred twenty by three.

Supervisors

14. Supervisors. Each member of the board of supervisors, one thousand two hundred dollars per annum, and mileage

when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

15. Jurors. In counties of this class grand jurors and trial jurors in the superior court shall each receive for each day's attendance the sum of three dollars, and mileage to be computed at the rate of twenty cents per mile for each mile actually and necessarily traveled from their residences to the county seat, in going only. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county. Jurors.

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

CHAPTER 453.

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

[Approved May 27, 1921. In effect July 29, 1921.]

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

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

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit: Counties of 6th class, salaries of officers.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy county clerk who shall act as clerk of the probate department, who shall receive a salary of two thousand one hundred dollars per annum; also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of two thousand one hundred dollars per annum; also one deputy county clerk who shall be the registrar of voters and who shall receive a salary of two thousand one hundred dollars per annum; also one deputy county clerk who shall serve as general office clerk who shall receive a salary of two thousand one hundred dollars per annum; also three deputy county clerks who shall serve as clerks of the several departments of the County clerk.

superior court who shall receive a salary of one thousand eight hundred dollars per annum each; also one deputy county clerk who shall serve as desk clerk, who shall receive a salary of one thousand eight hundred dollars per annum; *provided, however,* that the county clerk shall not be allowed the additional deputy provided by section four thousand two hundred ninety of the Political Code of the State of California; also one deputy county clerk who shall serve as assistant to the clerk of the probate department and who shall receive a salary of one thousand eight hundred dollars per annum; also one deputy county clerk in the probate department, who shall receive a salary of one thousand five hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerks; *provided, further,* that in such years as the compilation of a great register of voters is required by law to be made the said clerk may appoint two deputies who shall serve for a term of twelve months, who shall each receive a salary of one hundred fifteen dollars per month, to be paid as are other deputies herein provided for; two deputies who shall serve for a term of eight months who shall each receive a salary of one hundred fifteen dollars per month, to be paid as are other deputies herein provided for; and two deputies who shall serve for a term of six months who shall each receive a salary of one hundred fifteen dollars per month, to be paid as are other deputies herein provided for; also one additional deputy in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid ten cents per name for each elector legally registered by them; *provided,* that said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Sheriff.

2. The sheriff, four thousand dollars per annum; *provided,* that there shall be and there hereby is allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; also ten deputies who shall each receive a salary of one thousand eight hundred dollars per annum, one of whom shall speak the Italian language and shall be competent to act as an Italian interpreter; also three deputies who shall each receive a salary of one thousand five hundred dollars per annum; also one deputy who shall act as matron of the county jail who shall receive a salary of one thousand twenty dollars per annum. The undersheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided,* that said sheriff shall be allowed the actual and necessary expenses incurred in the performance of his official

duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

3. The county recorder, three thousand six hundred dollars ^{Recorder.} per annum, and said recorder may appoint one deputy recorder who shall receive a salary of two thousand one hundred dollars per annum; also one deputy recorder who shall receive a salary of one thousand six hundred twenty dollars per annum; also two deputy recorders who shall each receive a salary of one thousand five hundred dollars per annum; also seven deputies who shall each receive one thousand two hundred dollars per annum. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as the county recorder; *provided*, that such recorder may be allowed the actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

4. The county auditor, three thousand six hundred dollars ^{Auditor.} per annum; and said auditor may appoint one deputy auditor who shall receive a salary of two thousand one hundred dollars per annum; also one deputy auditor to serve as accountant who shall receive a salary of one thousand eight hundred dollars per annum; also one deputy auditor who shall receive a salary of one thousand eight hundred dollars per annum; also one redemption clerk who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that for the purpose of performing the work imposed upon him in connection with the annual assessment and collection of property taxes, the auditor may be allowed six additional deputies for a period of one month who shall each receive a salary of one hundred dollars per month and five additional deputies for a period of two months who shall each receive a salary of one hundred dollars per month. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

5. The county treasurer, three thousand six hundred dollars ^{Treasurer.} per annum, and said treasurer may appoint one deputy treasurer, who shall receive a salary of two thousand one hundred dollars per annum. The premium on the bond of said deputy treasurer shall be paid by the county. All fees and commissions collected by said treasurer in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the state law for the collection and payment to the state treasurer of inheritance taxes. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of two hundred dollars such excess shall be by the county

treasurer paid into the county treasury as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

Tax collector.

6. The tax collector, three thousand six hundred dollars per annum; and said tax collector may appoint one deputy tax collector who shall receive a salary of two thousand one hundred dollars per annum, three additional deputy tax collectors who shall receive a salary of one thousand eight hundred dollars per annum; also twelve additional deputy tax collectors to serve as such only for a period of two and one-half months in each year, and who shall receive a salary of one hundred twenty-five dollars each per month; also three additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred twenty-five dollars each per month; also eleven copyists who shall serve only during one and one-half months of each year, and shall each receive a salary of one hundred dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties, including the making and compiling of the necessary indices to the assessment roll, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

License collector.

7. The license collector, fifteen per cent of the whole amount of license collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of one thousand five hundred dollars per annum.

Assessor.

8. The county assessor, three thousand six hundred dollars per annum; and said assessor may appoint one chief deputy assessor who shall receive a salary of two thousand one hundred dollars per annum; one supervising deputy assessor who shall receive a salary of one thousand eight hundred dollars per annum; five office deputy assessors who shall each receive a salary of one thousand eight hundred dollars per annum; also twenty deputy assessors who shall serve as such during the months of March, April, May and June of each year who shall each receive a salary of one hundred twenty-five dollars per month; two deputy assessors to serve as such during six months of each year who shall receive a salary of one hundred twenty-five dollars each per month; four deputy assessors to serve as such during four months of each year who shall receive a salary of one hundred twenty-five dollars each per month; and also seven copyists to serve as such only during four months of each year who shall receive a salary of one hundred dollars each per month; *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state or infirmity poll taxes or personal

property taxes shall be retained by him but that all such commissions shall be paid into the county treasury. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of official duties; *and provided, further*, that all deputies herein specified shall be allowed actual and necessary traveling expenses incurred in the performance of official duties, not to exceed, however, for each deputy the sum of twenty-five dollars per month.

9. The district attorney, three thousand six hundred dollars per annum; he may appoint a chief deputy at a salary of three thousand dollars per annum; one assistant district attorney at a salary of two thousand four hundred dollars per annum; two assistant district attorneys at a salary of two thousand one hundred dollars each per annum; one detective who shall serve at a salary of one thousand eight hundred dollars per annum; one clerk at a salary of one thousand five hundred dollars per annum; and one stenographer at a salary of one thousand three hundred twenty dollars per annum; all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury. District attorney.

10. The coroner and public administrator, such fees as are now or may hereafter be allowed by law. Said coroner may appoint deputies not to exceed three in number; *provided*, that said deputy coroner shall receive only such fees as the coroner would receive if acting. Coroner and public administrator.

11. The county superintendent of schools, three thousand dollars per annum; and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of two thousand one hundred dollars per annum, and one deputy superintendent of schools who shall receive one thousand two hundred dollars per annum; and the said superintendent of schools shall also be paid actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the manner and out of the same fund as is the superintendent of schools. County superintendent of schools.

12. The county surveyor, the sum of three thousand six hundred dollars per annum; and said surveyor may appoint a deputy surveyor who shall receive a salary of two thousand one hundred dollars per annum; also one deputy who shall receive a salary of one thousand five hundred dollars per annum; one deputy at a salary of one thousand three hundred eighty dollars per annum; one deputy at a salary of one thousand three hundred twenty dollars per annum and one deputy at a salary of one thousand two hundred dollars per annum who shall be a draftsman whose duties shall include the preparation of maps for the county assessor; and one deputy at County surveyor.

nine hundred dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries shall be paid at the same time and in the same manner as the salaries of other county officers are paid. Said surveyor shall also have power to appoint such inspectors as he may deem necessary, for the proper supervision of all roads and bridges under construction, and the compensation of said inspectors shall be a proper charge against the county.

Fish and
game
warden.

13. The fish and game warden, one thousand two hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties.

Additional
assistance.

14. The board of supervisors may at any time grant such additional assistance, or pay for such additional employees or service as it deems necessary to perform any service required by or in connection with any of the foregoing county offices in counties of this class.

Justices of
the peace.

15. In counties of this class, justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of two hundred fifty dollars per month as full compensation for all services rendered by them, except as hereinafter provided; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such township, and said justices of the peace shall each be allowed a clerk to be appointed by such justice of the peace at a salary of one hundred thirty-seven and one-half dollars per month each, payable monthly in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors.

(2) In townships having a population of fifteen thousand and less than twenty thousand, justices of the peace shall each receive a salary of one hundred seventy-five dollars per month for all services rendered by them, except as hereinafter provided.

(3) In townships having a population of ten thousand and less than fifteen thousand, justices of the peace shall each receive a salary of one hundred thirty-seven dollars and fifty cents per month for all services rendered by them, except as hereinafter provided.

(4) In townships having a population of five thousand and less than ten thousand, justices of the peace shall each receive a salary of one hundred thirty-five dollars per month

as full compensation for all services rendered by them, except as hereinafter provided.

(5) In townships having a population of two thousand five hundred and less than five thousand, justices of the peace shall each receive a salary of seventy-five dollars per month as full compensation for all services rendered by them except as hereinafter provided.

(6) In townships having a population of two thousand and less than two thousand five hundred, justices of the peace shall each receive the sum of sixty dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury; *provided*, that where a township census has been ordered taken and adopted by the board of supervisors, as in this act contained said census shall be and remain the official census of such township; and shall not be affected by any provision of this act with respect to the application of the federal census of 1920 in classifying townships.

(7) In townships having a population of one thousand and less than two thousand, justices of the peace shall each receive a salary of fifty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(8) In townships having a population of less than one thousand, justices of the peace shall each receive a salary of thirty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

Justices of the peace in all townships in counties of the sixth class shall be permitted to receive and retain for their own use, fees for celebrating marriages and returning certificates thereof, but all other fees shall be collected by them and by them paid into the county treasury at least once a month.

16. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) In townships having a population of fifteen thousand and less than twenty thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all matters wherein they may charge fees for their services, constables in such townships may collect and retain for their own use such fees as are now or may hereafter be allowed by law.

Constables.

(3) In townships having a population of ten thousand and less than fifteen thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all other matters wherein they may charge fees for their services, constables may collect and retain for their own use as compensation such fees as are now or may hereafter be allowed by law.

(4) In townships having a population of five thousand and less than ten thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, shall be collected in advance and paid monthly into the county treasury.

(5) In townships having a population of two thousand five hundred and less than five thousand, constables shall each receive the sum of sixty dollars per month as a salary for all services rendered by them in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them, they may charge and retain for their own use such fees as are chargeable by law.

(6) In townships having a population of two thousand and less than two thousand five hundred, constables shall each receive the sum of sixty dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury; *provided*, that in townships in which a township census has been ordered, taken and adopted by the board of supervisors, as in this act hereinafter provided, constables shall each receive the sum of seventy-five dollars per month as salary for all services rendered in criminal cases, and that for all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(7) In townships having a population of one thousand and less than two thousand, constables shall each receive the sum of forty dollars per month as salary for all services rendered in criminal cases. All fees collected by them in criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(8) In townships having a population of less than one thousand, constables shall each receive the sum of thirty dollars per month as a salary for all services rendered by them in criminal cases. All fees collected by them in criminal cases shall be paid monthly into the county treasury. For all

other services performed by them they may charge and collect for their own use such fees as are allowed by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners.

The population herein referred to in classifying townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the federal census taken in the year 1920; *provided, however*, that a township census may be taken for the purpose of establishing the official census of such township in the manner hereinafter specified and when so taken, such census shall be known as and shall become the official census of such township in which it is taken and the population therein determined shall be and become the official population of such township. Whenever there shall be presented to the board of supervisors of the county a petition signed by the qualified electors of any township or townships in number equal to twenty-five per cent of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors may order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors and such census shall be taken by such persons so appointed, of all of the inhabitants of such township or townships. The full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series and when completed, shall be verified by the proper official authorized to administer oaths and be filed with the county clerk and thereupon, the same shall be known and shall be the official census of said township or townships.

17. Each supervisor, two thousand four hundred dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed five hundred dollars in any one calendar year.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the sixth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county

shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

Effect
of act.

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

CHAPTER 454.

An act to add a new section to be known as nine a six to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved May 27, 1921. In effect July 29, 1921.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a six and to read as follows:

Counties of
6th class,
salary of
librarian.

Sec. 9a6. In counties of the sixth class the salary of the county librarian shall be two thousand four hundred dollars per annum.

Effect
of act.

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

CHAPTER 455.

An act amending section four thousand two hundred forty of the Political Code, relating to salaries and compensation of officers in counties of the eleventh class.

[Approved May 27, 1921. In effect July 29, 1921.]

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

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

4240. In counties of the eleventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries: Counties of 11th class, salaries of officers.

1. The county clerk, four thousand dollars per annum, one chief deputy to act as clerk of the board of supervisors at two thousand one hundred dollars per annum, and also two deputies to act as courtroom clerks at one thousand five hundred dollars per annum each. The county clerk shall also have for use in his office, and under his supervision and control, two stenographers at a salary of one hundred dollars per month each, to be paid in the same manner and out of the same fund as the salaries of county officers are paid. The said positions of stenographers shall be filled by the county clerk in the same manner as deputies are appointed by him. It shall be the duty of the county clerk to take the affidavit of registration of such persons as shall present themselves at the office of said county clerk for the purpose of so making such affidavit; *provided, however,* that the county clerk shall appoint additional deputies who shall, during each even numbered year and outside of the county court house grounds, act as registration clerks; such deputies shall receive the sum of ten cents per name for each affidavit of registration taken by them, and claims of such deputies for such services shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. The supervisors shall provide the county clerk with such clerks at a compensation not to exceed three dollars and a half per day each, as are necessary to properly carry out the provisions of the statutes relating to registration of electors. The county clerk shall receive such fees as may be allowed by law for issuing hunting and fishing licenses. All other fees received by him shall be paid into the county treasury and placed to the credit of the salary fund. In any county of this class where an additional deputy clerk has been allowed on account of an increase in the number of departments of the superior court in and for said county since the year one thousand nine hundred ten, the deputy herein provided for to act as courtroom clerk shall take the place of, and perform the duties of such additional deputy so allowed on account of an increase in the number of departments of the superior court. In the event the legislature shall hereafter increase the number of superior County clerk.

judges in any county of this class, an additional court room deputy shall be appointed by said county clerk at a salary of one thousand five hundred dollars per annum.

Sheriff.

2. The sheriff, four thousand dollars per annum. He shall have an under sheriff who shall be a deputy at a salary of two thousand one hundred dollars per annum, four deputies at a salary of one thousand eight hundred dollars per annum each, and a matron who shall also perform the duties of cook at a salary of three dollars per day and board. The sheriff shall receive and retain for his use the per diems allowed by the state for the transportation of prisoners and insane persons, also all expenses incurred in the performance of the duties of his office. All other fees and mileage received by him shall belong to the county and shall be paid into the county treasury and placed to the credit of the salary fund. In any county of this class where an additional deputy sheriff has been allowed on account of an increase in the number of departments of the superior court in and for said county since the year one thousand nine hundred ten, the deputies herein provided for shall take the place of and perform the duties of such additional deputy so allowed on account of an increase in the number of departments of the superior court. In the event the legislature shall hereafter increase the number of superior judges in any county of this class, an additional court room deputy shall be appointed by said sheriff at a salary of one thousand five hundred dollars per annum. The provisions of this subsection shall take effect immediately.

Recorder.

3. The county recorder, three thousand six hundred dollars per annum, one chief deputy at two thousand one hundred dollars per annum, two deputies at one thousand five hundred dollars per annum each, two comparing clerks at a salary of one hundred dollars per month each; and such copyists as are necessary to perform the duties of the office, at a compensation of three cents per folio: said salaries and compensation shall be paid out of the salary fund of the county. All fees collected by the county recorder shall be paid into the county treasury and placed to the credit of the salary fund. The supervisors may allow, when in their judgment it is necessary, such additional clerks, as may from time to time be required to transact the business of the office at a maximum salary of one hundred dollars per month. None of the foregoing provisions affecting the office of the recorder shall take effect during the term of the present incumbent, except that said recorder shall have the right to appoint said chief deputy at a salary of two thousand one hundred dollars per annum, one of said deputies at a salary of one thousand five hundred dollars per annum, and one of said comparing clerks at a salary of one hundred dollars per month immediately. The remainder of the above provisions affecting the said office of the recorder shall take effect on the first Monday after the first day of January, one thousand nine hundred twenty-three, and

until such time, the present law affecting said office of county recorder, his compensation and deputies shall remain in full force and effect except as modified by this paragraph.

4. The county auditor, three thousand dollars per annum, ^{Auditor.} and two deputies, each to receive one thousand eight hundred dollars per annum; in addition to said deputies, the county auditor shall have the right to employ from time to time in his office, such additional assistants as may be required to promptly perform the work required to be done therein, the board of supervisors to fix the per diem compensation of such assistants, and such salary shall be paid out of the county general fund of the county upon proper claims presented therefor to the board of supervisors; *provided, however,* that the total amount to be paid such assistants shall not exceed one thousand dollars in any one year. On and after the first Monday after the first day of January, one thousand nine hundred twenty-three, all fees and commissions received by the auditor shall be paid into the county treasury and placed to the credit of the salary fund.

5. The county treasurer, two thousand eight hundred ^{Treasurer.} dollars per annum, and one deputy at one thousand eight hundred dollars per annum.

6. The tax collector, two thousand eight hundred ^{Tax collector.} dollars per annum, and one deputy at one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars per annum, one stenographer at a salary of one thousand two hundred dollars per annum, and twelve clerks at a salary of one hundred dollars per month each, not to exceed two months in each year. In addition, the supervisors may make provision for securing additional help when they deem it so necessary; *provided,* that the total amount to be paid such assistants shall not exceed five hundred dollars in any one year. On and after the first Monday after the first day of January, one thousand nine hundred twenty-three, all fees and commissions received by the tax collector shall be paid into the county treasury and placed to the credit of the salary fund.

7. The county assessor, four thousand dollars per annum, ^{Assessor.} and a chief deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars per annum, one copyist or stenographer at a salary of one thousand two hundred dollars per annum, three copyists from January first to July first at a salary of one hundred dollars per month each, six field deputies from March first to July first at a salary of six dollars per day each, and ten field deputies from March first to July first at a salary of seven dollars per day each. All fees and commissions collected by the assessor shall be turned into the county treasury monthly for account of the salary fund. The provisions of this subsection concerning the salary, fees and commissions of the assessor shall not affect the present incumbent,

but shall take effect on the first Monday after the first day of January, one thousand nine hundred twenty-three, but as to the appointment of such deputies, copyist or stenographer and field deputies, this subsection shall take effect immediately.

District
attorney.

8. The district attorney, four thousand two hundred dollars per annum. He shall have two deputies at a salary of three thousand dollars per annum each; and he shall also have for use in his office and under his supervision and control one stenographer at a salary of one hundred twenty-five dollars per month, and one stenographer at a salary of one hundred dollars per month, which offices of stenographer are hereby created. Said positions of stenographer shall be filled by the district attorney in the same manner as deputies are appointed by him, and the salaries of said stenographers shall be paid in the same manner as the salaries of county officers are paid. In counties of this class the district attorney shall prepare all papers for all elections to be held in any school district in said county for the issue of bonds by such school district.

Coroner.

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

Public ad-
ministrato-
r.

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

Superintend-
ent of
schools.

11. The superintendent of schools, for full services including his duties with and on the county board of education, three thousand dollars per annum, and actual traveling expenses when visiting schools of his county. He shall have a first deputy at a salary of two thousand two hundred dollars per annum, and a second deputy at a salary of one thousand eight hundred dollars per annum, and a third deputy at one thousand five hundred dollars per annum, said first and second deputy to be qualified teachers capable of doing either field or office work.

County
surveyor.

12. The county surveyor shall receive a salary of two thousand eight hundred dollars per annum, and he shall be allowed one deputy at a salary of two thousand dollars per annum. The county surveyor shall be allowed all necessary traveling and field expenses of self and chainmen or other help in the field. In addition, the county surveyor shall be allowed to employ all necessary inspectors and field or office help; *provided, however*, that before employing such inspectors or field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment. The salaries and expenses of such inspectors or field or office help shall be paid out of the county general fund upon proper claims presented therefor to the board of supervisors. In any county of this class where bonds have been or shall hereafter be issued under the provisions of section four thousand eighty-eight of the Political Code for the construction of roads, bridges or highways, the board of supervisors may at any time during the planning, laying out or construction of such roads, bridges or highways, employ all necessary inspectors and field or office help to assist the surveyor in planning,

laying out or constructing such roads, bridges and highways. All inspectors and field or office help so employed by the board of supervisors, shall work under the supervision of the surveyor, and board of supervisors, and shall not be employed longer than is necessary to actually complete the roads, bridges or highways constructed with funds created by such bond issue. The salaries of all persons so employed by the board of supervisors as such inspectors or field or office help, shall be prescribed by the said board, and all such salaries, together with the field expenses of all such inspectors or field or office help, shall be paid out of the fund created by such issue of bonds upon proper claims presented therefor to the board of supervisors. The supervisors shall have the power to appoint the county surveyor superintendent of the maintenance of permanent highways constructed under bond issues, direct tax, or county general funds, and such surveyor in case of such appointment must perform the duties of such superintendent of maintenance, and when so appointed shall receive a salary of eight hundred dollars per annum. He shall be allowed such necessary help to perform the duties of such superintendent of maintenance and at such salaries to be paid by said county as the board of supervisors shall by resolution provide, and the board of supervisors shall furnish such superintendent of maintenance with necessary equipment and funds to properly perform such work.

13. Justices of the peace shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided: In townships having a population of ten thousand or more, one hundred fifty dollars per month. In townships having a population of not less than three thousand and under ten thousand, one hundred dollars per month. In townships having a population of not less than two thousand and under three thousand, fifty dollars per month. In townships having a population of not less than one thousand and under two thousand, forty dollars per month. In townships having a population of less than one thousand, thirty dollars per month: *provided, however*, that in townships having a population of ten thousand or more, the justice shall be allowed the services of a clerk at seventy-five dollars per month. Said salaries enumerated in this paragraph shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases. All such fees as are allowed by law in civil cases shall be paid by all justices into the county treasury in the same manner as the fees of county officers are paid. In fixing the population of the several townships, the United States census of 1920 shall control.

Justices of
the peace.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation of all services rendered by them in both civil and criminal cases: In townships having a

Constables.

population of more than eight thousand, one hundred twenty-five dollars per month. In townships having a population of not less than three thousand and under eight thousand, eighty dollars per month. In townships having a population of not less than one thousand and under three thousand, forty dollars per month. In townships having a population of less than one thousand, twenty-five dollars per month. All such fees as are now or may be hereafter allowed by law in civil cases shall be paid by all constables into the county treasury in the same manner as the fees of county officers are paid. In addition to the monthly salary allowed herein, such constable shall be allowed ten cents per mile for each mile necessarily traveled in the execution of all criminal process within the county, and ten cents per mile, one way only, for each mile necessarily traveled in the execution of all criminal process outside the county. In addition, each constable shall be allowed all expenses necessarily and actually incurred by him in transporting prisoners to court, and to prison, and all expenses necessarily and actually incurred by him in executing all process in civil cases.

15. It shall be the duty of each and every constable and justice of the peace to file on or before the first Monday of each and every month, a full and complete statement, showing all business, both civil and criminal, done during the preceding month, with the board of supervisors, and he shall file the same on or before said date above mentioned, with the clerk of said board. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases the places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom, said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

Supervisors.

16. Each supervisor, two thousand four hundred dollars per annum, for personal services performed by him as supervisor, member of the board of equalization, and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed him for such expenses shall not exceed one hundred dollars per month. Each supervisor to furnish his own means of conveyance; *and provided, further*, that each supervisor shall render each month, an itemized statement showing the miles traveled in the pursuance of his duties as a supervisor for which he shall be allowed mileage at twelve and one-half cents per mile as expenses up to the amount above specified.

County
librarian.

17. The salary of the county librarian shall be two thousand four hundred dollars per annum.

License fees.

18. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class.

19. All fees and sums required by law to be paid into the county treasury by any county officer shall be so paid on the first Monday in each month after collection. Payments to treasury.

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

CHAPTER 456.

An act to amend section four thousand two hundred fifty-eight of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-ninth class.

[Approved May 27, 1921. In effect July 29, 1921.]

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

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

4258. In counties of the twenty-ninth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of 29th class, salaries of officers.

1. The county clerk, two thousand seven hundred dollars per annum, and one deputy at a salary of one thousand six hundred twenty dollars per annum, and one deputy at a salary of one thousand three hundred twenty dollars per annum. The salary of said deputies to be payable monthly in the same manner as the salaries of the other county officers are paid; *provided, further, however,* that in each year in which a new and complete registration of voters is required by law the county clerk may appoint an additional deputy or deputies whose compensation in the aggregate shall not exceed four hundred dollars in any one year; *and provided, further,* that the county clerk shall file with the county auditor a certified statement showing in detail the amount and persons to whom said compensation is paid. Such salaries of such deputies shall be paid out of the same fund as the salaries of the other county officers are paid. It is hereby found as a fact that the salaries provided for in this subdivision, do not work an increase in compensation, and the same shall apply immediately to incumbents. County clerk.

2. The sheriff, three thousand dollars per annum and all fees for the service of process issued without his county. One bailiff at a salary of eighty dollars per month. One deputy at a salary of two thousand dollars per annum, and Sheriff.

two deputies at a salary of one thousand three hundred fifty dollars per annum each, which offices are hereby created. The salary of said deputies payable monthly in the same manner as the salaries of the other county officers are paid. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Recorder.

3. The recorder, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum, which office is hereby created, one copyist at a salary of one thousand two hundred dollars per annum, and one copyist for three months of each year at a salary of one hundred dollars per month. The said office of copyist is hereby created. The salaries of said deputy and copyist payable monthly in the same manner as the salaries of other county officers are paid. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

Auditor.

4. The auditor, two thousand four hundred dollars per annum and one deputy at a salary of one thousand five hundred sixty dollars per annum, and one deputy for two months of each year at a salary of one hundred dollars per month, which offices of deputy auditor are hereby created, the salary of said deputies payable monthly in the same manner as the salaries of other county officers are paid. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

Treasurer.

5. The treasurer, two thousand four hundred dollars per annum.

Tax collector.

6. The tax collector, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per year and two deputies for four months of each year at a salary of one hundred dollars per month each, which offices are hereby created, the salary of said deputies payable monthly in the same manner as the salaries of other county officers are paid.

Assessor.

7. The assessor, two thousand four hundred dollars per annum; one chief deputy assessor, which office of chief deputy assessor is hereby created, at a salary of one hundred thirty-five dollars per month; one deputy assessor, which office of deputy assessor is hereby created, at a salary of one hundred dollars per month for seven months in each year, from January first to August first; one copyist, which office of copyist is hereby created, for five months in each year, from March first to August first, at a salary of one hundred dollars per month, the salaries of said chief deputy assessor, deputy assessor and copyist payable in the same manner and at the same time as the salaries of the other county officers are paid.

The assessor shall appoint such field deputies as he may require; *provided*, that the compensation of such additional

deputies shall not exceed in all the sum of three thousand dollars in any one year; *and provided*, that said field deputies shall file monthly with the assessor and county auditor a verified statement showing in detail the amount of time consumed in actual assessment work; the salaries of said field deputies shall be paid by the county monthly, in the same manner and at the same time as the salaries of the other county officers are paid. Said salary of the assessor shall be in full for all services rendered by him, and he shall pay all fees received into the county treasury.

All the provisions of this paragraph are to apply to the present incumbent and to take effect on the first Monday of January, one thousand nine hundred and twenty-two.

8. The district attorney, two thousand seven hundred dollars ^{District attorney.} per annum; one deputy at a salary of one thousand twenty dollars per annum, which office is hereby created, the salary of said deputy payable monthly in the same manner as the salary of other county officers are paid.

9. The coroner, such fees as are now or may be hereafter ^{Coroner.} provided by law.

10. The public administrator, such fees as are now or may ^{Public administrator.} be hereafter provided by law.

11. The superintendent of schools, two thousand two hundred dollars per annum, and one deputy, which office of ^{Superintendent of schools.} deputy superintendent of schools is hereby created, at a salary of one thousand five hundred dollars per annum, payable monthly in the same manner as the salary of other county officers are paid; *provided*, that in counties of this class the county superintendent of schools shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

12. The surveyor, ten dollars per day and actual reasonable ^{Surveyor.} and necessary expenses when engaged in the field or in the office in the discharge of his official duties in the county.

13. Supervisors, each the sum of one thousand two hundred ^{Supervisors.} dollars per annum in full for all services performed by them as supervisors, and as members of the board of equalization, and road commissioners, and in any and every capacity.

14. Justices of the peace shall receive the following monthly ^{Justices of the peace.} salaries to be paid each month and in the same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than six thousand, one hundred dollars per month; *provided, however*, that in the event there shall be but one justice of the peace in townships of this population, said justice shall receive one thousand eight hundred dollars per annum; in townships having a

population of less than six thousand and more than three thousand, eighty dollars per month; in townships having population less than three thousand and more than seven hundred fifty, fifty dollars per month; in townships having population of less than seven hundred fifty, ten dollars per month, and in all civil cases such fees as are now or may be hereafter allowed by law.

Constables.

15. Constables shall receive the following monthly salaries to be paid each month and in same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than six thousand, one hundred dollars per month; *provided, however*, that in the event that there shall be but one constable in townships of this population, said constable shall receive one thousand eight hundred dollars per annum; in townships having population of less than six thousand and more than three thousand, eighty dollars per month; in townships having a population of less than three thousand and over seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month; and in civil cases such fees as are now or may be hereafter allowed by law. Constables shall also be allowed by the board of supervisors in criminal cases only, twelve and one-half cents mileage both ways; or in civil matters twenty-five cents per mile one way only, in and out of the township together with necessary traveling expenses, and necessary expense of conveying criminals and persons charged with crime.

Jurors.

16. Grand jurors and trial jurors in the superior court shall receive from each day's attendance per day the sum of three dollars. In justices' courts in civil and criminal cases, the jurors sworn to try the case shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from his residence to the place of service the sum of fifteen cents per mile; *provided*, that in justice courts mileage shall be allowed only to those sworn to try the case.

County
librarian.

17. The county librarian shall receive one thousand eight hundred dollars per annum.

Effect
of act.

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

CHAPTER 457.

An act to amend section four thousand two hundred fifty-seven of the Political Code, relating to the compensation of officers in counties of the twenty-eighth class.

[Approved May 27, 1921. In effect July 29, 1921.]

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

SECTION 1. Section four thousand two hundred fifty-seven of the Political Code is hereby amended to read as follows:

4257. In counties of the twenty-eighth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit: Counties of
28th class.
salaries of
officers.

1. The county clerk, three thousand dollars per annum. In counties of this class there shall be and there is hereby allowed to the county clerk for his own use and to be paid out of the county treasury monthly in the same manner as salaries of other county officers are paid the sum of five cents for the name of each defendant entered in the index labeled "general index defendants" as provided in subdivision four of section four thousand one hundred seventy-eight; and the further sum of five cents for each document recorded by said county clerk under the provisions of section one thousand three hundred eighty-seven of the Code of Civil Procedure; and the further sum of five cents for each name contained in the index of registration books, to be prepared by said clerk, under the provisions of section one thousand one hundred fifteen of this code; and the further sum of ten cents each for the filing and indexing of proceedings in coroner's inquests. County
clerk.

2. The sheriff, six thousand dollars per annum. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, all expenses necessarily incurred in conveying insane persons to and from the insane asylum, and in conveying persons to and from the state prisons, or other state institutions, which expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action. The sheriff shall not be entitled to any per diem for conveying persons to or from the said prisons or to or from the insane asylums or other state institutions. He shall have one deputy to be appointed by the sheriff, at a salary of one thousand five hundred dollars per annum, which office is hereby created. Sheriff.

- Recorder. 3. The recorder, two thousand one hundred dollars per annum. He shall have one deputy to be appointed by the recorder, at a salary of one thousand two hundred dollars per annum, which office is hereby created.
- Auditor. 4. The auditor, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum, to be appointed by the auditor, which office is hereby created, and shall employ such assistants as may be necessary for the purpose of extending the tax rolls; *provided*, that no more than five hundred dollars shall be expended for such assistants in any one year.
- Treasurer. 5. The treasurer, two thousand dollars per annum.
- Tax collector. 6. The tax collector, two thousand two hundred dollars per annum. He shall have one deputy to be appointed by the tax collector, for the months of April, August, September, October, and November, at a salary of one hundred dollars per month, and such additional assistants as may be necessary to prepare the statement of monthly tax collections; *provided*, that there shall not be expended for such assistants more than two hundred dollars in any one year.
- License collector. 7. The license collector, seven hundred dollars per annum, but he shall receive no fees nor commissions on the amount of licenses collected, nor for any other service required by law.
- Assessor. 8. The assessor, three thousand six hundred dollars per annum, but he shall receive no fees nor commissions on personal property taxes collected, nor for making up military roll, nor for any other service required by law. He shall have one office deputy at a salary of one thousand eight hundred dollars per annum, and eight field deputies for a period not exceeding two months of each year, at a salary of one hundred fifty dollars per month, each, all to be appointed by the assessor; *provided, however*, that the provisions of this section shall not take effect during the term of office of the present incumbent.
- District attorney. 9. The district attorney, two thousand seven hundred dollars per annum, and his traveling, office and other expenses in criminal matters, and cases, and in civil actions, proceedings and all other matters in which the county is interested, incurred by him in the performance of his duties, and all the expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and in all other matters in which the county is interested.
- Coroner. 10. The coroner, such fees as are now or may be hereafter allowed by law.
- Public administrator. 11. The public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools. 12. The superintendent of schools, three thousand dollars and actual traveling expenses when visiting the schools of his county. He shall have one deputy, to be appointed by the superintendent of schools, at a salary of one thousand two hundred dollars per annum, which office is hereby created.
- Surveyor. 13. The surveyor, such fees as are now or may be hereafter allowed by law.

14. The justice of the peace shall receive the following monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be payment in full for all services rendered by them: (1) In townships having a population of five thousand or more, one hundred dollars per month; *provided*, that where there is now or may be hereafter created in such township, more than one justice of the peace, the monthly salary of said two justices shall each be seventy-five dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, seventy-five dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, sixty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, fifty dollars per month; (5) in townships having a population of five hundred and less than one thousand, forty dollars per month; (6) and in townships having a population of less than five hundred, thirty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. The population of township shall, for the purposes of this section, be determined by the census last had by the federal government.

Justices of
the peace.

15. Each member of the board of supervisors shall be allowed the sum of seventy-five dollars for each meeting of said board; *provided*, that no member shall be allowed to receive pay for more than twelve meetings during any one year; and the further sum of twenty cents per mile, mileage in traveling to and from his residence to the county seat; and for his services as road commissioner, he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; *provided*, he shall not in any one year receive more than six hundred dollars as such road commissioner.

Supervisors.

16. Constables, the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, except as in this subdivision provided: (1) In townships where the population is five thousand or more, sixty dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, fifty dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, thirty dollars per month; (5) in townships having a population of less than one thousand, twenty dollars per month. In addition to the monthly salaries allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. The constable shall also, in addition, receive three dollars per day for attending court when required to do so during the actual trial of the issue of fact of a case, or

Constables.

during the examination of a criminal charge before a magistrate, while the evidence is being taken, and not otherwise; *provided*, that no more than three dollars shall be charged or received for any one day; *and provided, further*, that when the constable is required to attend upon the trial of more than one civil case on the same day, his fees for attendance shall be equally apportioned to the civil cases. Constables may also, when necessary, by first obtaining an order from the district attorney of the county or from a judge of the superior court of this state, employ a temporary guard for the safe-keeping or protection of prisoners, and shall be entitled to collect the actual reasonable cost thereof as a county charge. Constables shall also be entitled to receive, in addition to the fees and salaries in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and all expenses, actually incurred in the pursuit within the county of insane persons or criminals charged with a felony, and the same shall be a county charge. The population of townships shall, for the purposes of this section, be determined by the census last had by the federal government.

Jurors.

17. In counties of this class grand jurors and trial jurors in the superior courts of said counties, shall receive the sum of three dollars for each day's attendance, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents per mile, such mileage to be allowed but once during any one session of such court or grand jury. In counties of this class, jurors in justices' courts and recorders' courts and coroner's inquests, shall receive for each day's attendance, the sum of two dollars, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of ten cents per mile; *provided*, that the fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by municipalities in which such court is or may be established.

The legislature hereby declares that if any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act.

Monthly payments.

18. The salaries of all deputies and assistants provided for in this act shall be paid by the county, monthly, in the same manner and from the same fund as the county officers are paid.

CHAPTER 458.

An act to amend section four thousand two hundred fifty-two of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-third class.

[Approved May 27, 1921. In effect—see section 2.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty-two of the Political Code is hereby amended to read as follows:

4252. In counties of the twenty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of 23d class. salaries of officers.

1. The county clerk, three thousand dollars (\$3,000) per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the county clerk one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of one thousand seven hundred dollars per annum, and one deputy, who shall be appointed by the county clerk and who shall be paid a salary of one thousand four hundred dollars per annum. The salaries of said deputies shall be paid by the county in monthly installments, at the time and in the manner and out of the same fund as the salaries of other county officers are paid; *provided*, that the county clerk be, and he is hereby allowed the sum of ten cents (10¢) for the registration of each voter, which registration is taken and made outside of the office of the county clerk; *provided, further*, that the county clerk shall be allowed not to exceed one hundred dollars (\$100) for each and every election, both general and special, that is held throughout the county for the payment of extra clerical hire; *provided, however*, that the county clerk shall file with the county auditor a certified statement showing in detail the amount and the persons to whom such compensation is paid. Such additional compensation shall be paid out of the same fund as the salaries of county officers are paid. The office of the county clerk shall be kept open on each and every day except Sunday, and legal holidays from nine o'clock a. m. to twelve o'clock m., and from one o'clock p. m. to five o'clock p. m. County clerk.

2. The sheriff, four thousand dollars (\$4,000) per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows, to wit: One under sheriff at a salary of two hundred dollars (\$200) per month, one deputy sheriff at a salary of one hundred twenty-five dollars (\$125) per month, and one deputy sheriff at seventy-five dollars (\$75) per month, who shall be head jailer at the county jail in said county; *provided*, that if the sheriff shall not be allowed the Sheriff.

privilege of boarding the prisoners as heretofore provided, in this county, then the deputy who shall be head jailer shall receive the salary of one hundred dollars per month; said sheriff and his deputies shall be allowed their actual traveling expenses in the performance of their duties, but no other fees or mileage of any nature or kind shall be allowed in civil or criminal matters; except the sheriff shall have for his use the per diems allowed by law for the transportation of prisoners and insane persons to state institutions; all fees of every nature and kind collected by the sheriff shall be turned into the county treasurer. The salaries of the deputies hereinbefore provided shall be paid in monthly installments by said county, at the same time and manner and out of the same fund as the salaries of other county officers are paid.

Recorder.

3. The county recorder, three thousand dollars (\$3,000) per annum; *provided*, that in counties of this class there shall be and is allowed to the recorder not to exceed two copyists who shall be appointed by the recorder of said county; said copyists to be paid and receive a salary not to exceed two thousand four hundred dollars (\$2,400) in the aggregate in any one year, which salaries shall be paid by said county in monthly installments in the form and in the manner and out of the same fund as the salary of other county officers are paid.

Auditor.

4. The auditor, one thousand eight hundred dollars per annum.

Tax collector.

5. The tax collector, two thousand one hundred dollars (\$2,100) per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the tax collector a deputy to be appointed by the tax collector, who shall receive a salary of one hundred dollars (\$100) per month, which salary shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Assessor.

6. The assessor, three thousand six hundred dollars (\$3,600) per annum; and said assessor may appoint one chief deputy, who shall receive a salary of one thousand eight hundred dollars (\$1,800) per annum, and one deputy who shall receive a salary of one thousand two hundred dollars per annum, which salaries shall be paid by the county in equal monthly installments; also, he may appoint other field deputies whose compensation in the aggregate shall not exceed two thousand dollars (\$2,000) in any one year, payable to them in installments, at such time and in such amounts as may be designated by the assessor; *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. All of the salaries of the above deputies shall be paid in the same manner and out of the same fund as the salaries of other county officials are paid. All commissions or fees now or hereafter allowed by law shall

be paid into the county treasury and no compensation shall be allowed the assessor for preparing the military roll of a county of this class. The office of the county assessor shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a. m. to twelve o'clock m. and from one o'clock p. m. to five o'clock p. m. The changes provided in this section do not affect an increase in the compensation of a county officer and shall apply immediately to incumbents.

7. The county treasurer, two thousand four hundred dollars Treasurer. (\$2,400) per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury; *provided, further*, that in counties of this class there shall be and is hereby allowed to the treasurer a deputy, to be appointed by the treasurer, who shall receive a salary of one hundred fifty dollars (\$150) per month, which salary shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as salaries of other county officials are paid.

8. The district attorney, two thousand five hundred dollars District attorney. (\$2,500) per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the district attorney one deputy, to be appointed by the district attorney, who shall receive a salary of one hundred dollars (\$100) per month, and one stenographer, which office is hereby created to be appointed by the district attorney at a salary of ninety dollars (\$90) per month; which salaries of said deputy and said stenographer shall be paid in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officials are paid.

9. The coroner, such fees as are now or may hereafter be Coroner. allowed by law.

10. Public administrator, such fees as are now or may here- Public ad-
administrator after be allowed by law.

11. The superintendent of schools, two thousand five hundred dollars Superintend
ent of
schools. (\$2,500) per annum. His office shall be kept open on all business days from nine a. m. to twelve m., and from one o'clock p. m. to five o'clock p. m. He shall be allowed his actual expenses, when visiting the schools of this county and such per diem as is now or may hereafter be allowed by law, for services as a member of the county board of education; *pro-
vided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools a deputy, to be appointed by the superintendent of schools, who shall receive from the county a salary of one thousand two hundred dollars (\$1,200) per annum, which salary shall be paid by the county in equal monthly installments, and which said salary shall be paid at the same time and in the same manner and out of the same funds as is the salary of the superin-
tendent of schools.

Surveyor.

12. The county surveyor, two thousand five hundred dollars (\$2,500) per annum; *provided*, that if the county surveyor shall be appointed superintendent of the permanent highways in the county constructed under bond issue, under any statute of this state providing for the appointment of such superintendent, then and in that event said county surveyor shall receive a salary of four thousand dollars (\$4,000) per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the county surveyor the following deputies, who shall be appointed by the county surveyor, and who shall be paid salaries as follows: One chief deputy county surveyor at a salary of one hundred fifty dollars (\$150) per month; one deputy county surveyor at a salary of one hundred twenty-five dollars (\$125) per month and one deputy at one hundred dollars (\$100) per month, all of which offices are hereby created; also said county surveyor may appoint another deputy or deputies, the compensation to said deputies or deputy in the aggregate not to exceed two thousand dollars (\$2,000) in any one year, payable to such deputy or deputies in such installments, at such time and in such amount as may be designated by the county surveyor; *provided, however*, that the county surveyor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and each of them shall be paid in the same manner and out of the same fund as the salaries of other county officers are paid.

County
librarian.

13. The county librarian, one thousand eight hundred dollars per annum.

Board of
education.

14. In counties of this class, each member of the county board of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred fifty dollars per annum. In addition each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable out of the same funds and in the same manner as is the salary of the county superintendent of schools.

Justices of
the peace.

15. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases. In townships where the population is four thousand or more, one hundred fifty dollars (\$150) per month, and said justice of the peace shall be furnished with offices and necessary supplies by the board of supervisors of said county; in townships where the population is two thousand and less than four thousand, eighty dollars per month; in townships where the population is one thousand and less than two thousand, forty dollars per month; in townships where the population is less than one thousand, twenty dollars per month; *provided*, that the justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's

receipt for same; *provided, further*, that no justice of the peace shall hold the office of city recorder.

16. Constables shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is four thousand or more, eighty dollars per month; in townships where the population is two thousand and less than four thousand, seventy dollars per month; in townships where the population is one thousand and less than two thousand, fifty dollars per month; in townships where the population is less than one thousand, twenty-five dollars per month. In addition to the monthly salary herein allowed each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; each constable shall also be allowed all necessary expenses actually incurred by him in arresting, pursuing or conveying prisoners to court or to prison, and actual expenses incurred in serving any process in any criminal case pending in said county, which said expenses shall be audited and allowed by the board of supervisors out of the county treasury.

17. For the purposes of subdivisions fifteen and sixteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such determination. It is hereby found as a fact, that the salaries provided for in subdivisions fifteen and sixteen do not work an increase in the compensation and the same shall apply immediately to incumbents.

18. Each member of the board of supervisors, one thousand two hundred dollars (\$1,200) per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board at the county seat, and twenty cents (20¢) per mile in traveling from his residence to the county seat; *provided*, that not more than one mileage for any one regular session of the board shall be allowed, and not more than one mileage for any special session of the board shall be allowed.

19. The salaries of all county and township officers and their deputies shall be payable in monthly installments on the first day of each month.

20. For acting as a grand juror in the superior court, for each day's attendance per day, three dollars. For every mile actually traveled in attending court as a grand juror in going only, twenty-five cents per mile.

In effect
when.

SEC. 2. The changes made by this amendment, in so far as they do not increase the compensation of a county officer, shall take effect ninety days after the final adjournment of the forty-fourth session of the legislature; *provided, however*, that the increases in the salaries of the deputies in the office of county clerk shall become effective on the first day of January, 1923.

Effect
of act.

SEC. 3. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 459.

An act to make available for the use of the United States government suitable places in this state for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States: conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the state to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

County or
city may
tender land
to U. S. for
public
defense.

SECTION 1. Whenever the board of supervisors of any county or the legislative body of any municipal corporation now or hereafter organized in this state shall consider it desirable or expedient to tender to the United States for the use of the war department or the navy department thereof, a designated number of acres at such location or locations within any such county or municipal corporation as may be determined upon by the said board of supervisors or legislative body, such board of supervisors or legislative body may, by four-fifths vote, acquire and pay for out of the general fund such land as it may determine upon and convey it to the United States for the use of the war department or navy department thereof, or if such board of supervisors or legislative body shall also determine that it is desirable for the

general welfare and benefit of the people of such county or municipal corporation and for the interests of the county or municipal corporation to incur an indebtedness in an amount sufficient to acquire land in such county or municipal corporation aggregating approximately the number of acres so designated at such location or locations as may have been selected and designated by the said board of supervisors or legislative body and in consideration of the benefits to be derived therefrom by such county or municipal corporation, to convey all such lands to the United States to be used by the war department or the navy department of the United States for its use, such county or municipal corporation is hereby authorized and empowered by and through its said board of supervisors or legislative body to incur an indebtedness evidenced by negotiable bonds of such county or municipal corporation for such purposes, in any amount not exceeding, together with all existing bonded indebtedness of such county or municipal corporation, five per cent of the taxable property of the county or municipal corporation, as shown by the last equalized assessment book thereof, whenever two thirds of the qualified electors of the county or municipal corporation voting thereon shall assent thereto, at any election either general or special, at which the proposal to incur such bonded indebtedness may be submitted to such electors in the manner provided by law.

SEC. 2. The bonds authorized to be issued under the provisions of this act in the case of a county shall be issued in the manner provided for in section four thousand eighty-eight of the Political Code, and a payment thereof, both principal and interest, shall be provided for by a tax levy in the same manner as is provided in said section for the payment of principal and interest of other bonds issued by any county, and said section, except as herein modified, is hereby specifically made applicable to all bonds at any time issued under the provisions of this act. The bonds authorized to be issued under the provisions of this act in the case of municipal corporations shall be issued in the manner provided for in an act entitled "An act authorizing the incurring of indebtedness by cities, townships and municipal corporation for municipal improvements, regulating the acquisition, construction and completion thereof." which became a law on February 25, 1901, without the approval of the governor, and the amendments thereto, and the payment thereof, both principal and interest, shall be provided for a tax levy in the same manner as is provided in said act for the payment of the principal and interest on other bonds issued by any such municipal corporation, and said act, except as herein modified is specifically made applicable to all bonds at any time issued under the provisions of this act.

SEC. 3. The acquisition of land for the use thereof by the war or the navy department of the United States and all such military or naval purposes as are now or may be then or thereafter authorized or provided by or under any law of the United States is hereby declared to be a public use, and the

Bonds.

Right of eminent domain.

right of eminent domain is hereby granted and extended to every county and municipal corporation availing itself of the provisions of this act for every purpose of condemnation, appropriation or disposition intended by this act and such county or municipal corporation is hereby authorized and empowered to condemn and appropriate all lands and rights whatsoever necessary or convenient for carrying out the provisions of this act. Such right of eminent domain may be exercised on behalf of such public use in accordance with the provisions of title seven, part three of the Code of Civil Procedure of the State of California.

Consent of
legislature
to transfer.

SEC. 4. Pursuant to the constitution and laws of the United States and especially to paragraph seventecn of section eight of article one of such constitution, the consent of the legislature of the State of California is hereby given to the United States to acquire, upon the conditions and for the purposes herein set forth, from any county or municipal corporation acting under the provisions of this act, title to all lands herein intended to be referred to; such title to be evidenced by a deed or deeds of such county or municipal corporation signed by the chairman of said board of supervisors or the chairman of said legislative body and attested by the clerk of such county or municipal corporation under seal, and consent of the State of California is hereby given to the exercise by the congress of the United States of exclusive jurisdiction in all cases whatsoever over such tracts or parcels of land so conveyed by it; subject, however, to the right of the state to have concurrent jurisdiction so far that all process, civil or criminal, issued under authority of the state may be executed by the proper officers thereof within such tract, upon any person or persons amenable to the same in like manner and with like effect as if such conveyance had not been made. The said board of supervisors or legislative body shall have the power to insert in every conveyance made under the authority of this act, such conditions subsequent as such board or legislative body shall deem necessary to insure the use of such lands by the United States government for the purposes herein mentioned and to carry out the provisions of this act.

CHAPTER 460.

An act to add a new section to be known as nine a thirty-four to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians in counties of the twenty-second and thirty-fourth classes.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a thirty-four, and to read as follows:

Sec. 9a34. In counties of the thirty-fourth class the salary of the county librarian shall be one thousand eight hundred dollars per annum. In counties of the twenty-second class the salary of the county librarian shall be two thousand two hundred dollars per annum.

Counties of
34th class,
salary of
librarian.

CHAPTER 461.

An act to amend section four thousand two hundred sixty-three and to repeal section four thousand two hundred sixty-three a of the Political Code, relating to the compensation of officers of counties of the thirty-fourth class.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-three of the Political Code is hereby amended so as to read as follows:

4263. In counties of the thirty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Counties of
34th class,
salaries of
officers.

1. The county clerk, three thousand six hundred dollars per annum, and when a new great register of voters is required by law to be made, he shall receive his actual

County
clerk.

expenses in making said register and ten cents per name for every name registered, in lieu of the sum of five hundred dollars heretofore received for performing said duties. It is hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent.

Sheriff. 2. The sheriff, four thousand five hundred dollars per annum.

Recorder. 3. The recorder, three thousand four hundred dollars per annum.

Auditor. 4. The auditor, two thousand dollars per annum, and in lieu of fees heretofore paid him under the provisions of section four thousand ninety-nine *a* of the Political Code he shall receive an additional sum of five hundred dollars per annum as compensation for the extra duties imposed by said section four thousand ninety-nine *a*. It is hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent.

Treasurer. 5. The treasurer, two thousand dollars per annum.

Tax collector. 6. The tax collector, one thousand eight hundred dollars per annum.

Assessor. 7. The assessor, three thousand five hundred dollars per annum, and his actual and necessary traveling expenses, when engaged in assessing the property of his county; *provided*, such traveling expenses shall not, in any one year, exceed the sum of three hundred dollars.

District attorney. 8. The district attorney, two thousand three hundred dollars per annum.

Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools. 11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. In counties of this class the secretary of the county board of education shall receive the sum of five hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools. The compensation of the secretary of the county board of education of this county hereby provided is in lieu of the fees heretofore allowed under the provisions of section one thousand seven hundred seventy of this code.

It is hereby found as a fact that the salary provided for in this section does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent.

Surveyor. 12. The county surveyor, one thousand five hundred dollars per annum, he to furnish all necessary instruments; but trans-

portation charges for field work shall be allowed him. He shall not be required to perform county work more than two-thirds of the working days in any month, except on payment of fees now allowed by law.

13. Justices of the peace, the following salaries to be paid ^{Justices of the peace.} each month as county officers are paid, which shall be in full for all services rendered by them as such justices of the peace: In townships having a population of five thousand and more, one hundred dollars; in townships having a population of twenty-five hundred and less than five thousand, sixty-five dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fees and all fines collected by him. In all townships having a population of less than five thousand, if there be more than one justice, the compensation or salary allowed herein shall be equally divided between them so that the sum total of their compensation shall not exceed the salary allowed herein for a single justice in such township.

14. Constables the following salaries, which shall be paid ^{Constables.} monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of twenty-five hundred or more, seventy dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population of less than twenty-five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in each township. The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

15. Each supervisor, one thousand two hundred dollars per ^{Supervisors.} annum for all services performed by him as supervisor, member of the board of equalization and road commissioner.

SEC. 2. Section four thousand two hundred sixty-three ^{Repealed.} of the Political Code is hereby repealed.

CHAPTER 462.

An act to amend section eight hundred sixty-two a of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended.

[Approved May 27, 1921. In effect July 20, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p 761,
amended.

SECTION 1. Section eight hundred sixty-two *a* of the act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1888, as amended, is hereby amended so as to read as follows:

Powers of
trustees in
cities of
6th class.

Sec. 862*a*. In any city of the sixth class the board of trustees shall have power:

(*a*) Upon a petition signed by fifteen per cent of the registered, qualified electors of the city, to submit to the electors of the city the question whether a municipal hospital shall be established in said city; *provided*, that no municipal hospital has been already established therein. Said proposition may be submitted either at a general or special election and said election shall be conducted and the results thereof declared in conformity with the general election laws governing elections in cities of the sixth class. If a majority of the votes cast at said election are in favor of said proposition, the municipal hospital for said city shall be deemed established and shall be managed and conducted in accordance with the provisions of this section.

(*b*) To erect and maintain a municipal hospital whenever the same has been established as provided in subdivision (*a*) of this section.

(*c*) To prescribe rules for the government and management of any such hospital and the terms upon which patients may be admitted thereto.

(*d*) To appoint and fix the compensation of physicians, surgeons and other necessary officers and employees of such municipal hospital who shall hold their positions during the pleasure of the board of trustees.

(*e*) To acquire any and all property, real or personal by purchase or donation, and construct and equip such buildings as the board may deem necessary and suitable for the proper conduct of any such municipal hospital. In receiving any donation of money, the city may agree to pay the donor or donors interest upon the principal at a rate not exceeding seven per cent per annum, during the lifetime of the donors, or of any of them, or of the survivor, but not exceeding a period of forty years, and without repayment of the principal or any part thereof. In the case of the incurring of such indebtedness in favor of donors, the indebtedness shall be incurred and

means for the payment thereof shall be provided in the manner prescribed by the provisions of the act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction and completion thereof," in effect February 25, 1901, as amended, so far as the same may be applicable; *provided, however*, that the ordinance calling the election shall not contain any statement as to bonds that are to be issued, but shall in general terms describe the proposed donation, the purpose for which it is to be used, and the terms upon which the same is to be made and accepted.

Powers of trustees in cities of 6th class.

(f) To levy and collect annually a property tax for the maintenance of such municipal hospital and the interest charged on any donation accepted in accordance with the provisions of subdivision (d) of this section, and also for interest upon any bonded indebtedness created for the purchase or acquisition of any real or personal property for any such hospital, and the construction and equipment thereof, including a sinking fund for the payment of such bonds in the amount provided for in any such bond issue.

CHAPTER 463.

An act to add a new chapter to title fourteen of part two of the Code of Civil Procedure, to be numbered chapter eight, embracing sections one thousand sixty to one thousand sixty-two, both inclusive, relating to declaratory relief.

[Approved May 27, 1921. In effect July 20, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new chapter to be numbered eight is hereby added to title fourteen of part two of the Code of Civil Procedure, relating to declaratory relief, and to read as follows:

CHAPTER VIII.

DECLARATORY RELIEF.

1060. Any person interested under a deed, will or other written instrument, or under a contract, or who desires a declaration of his rights or duties with respect to another, or in respect to, in, over or upon property, or with respect to the location of the natural channel of a water course, may, in cases of actual controversy relating to the legal rights and duties of the respective parties, bring an action in the superior court for a declaration of his rights and duties in the premises, including a determination of any question of construction or validity arising under such instrument or contract. He may ask for a declaration of rights or duties, either

Declaratory relief.

alone or with other relief; and the court may make a binding declaration of such rights or duties, whether or not further relief is or could be claimed at the time. The declaration may be either affirmative or negative in form and effect, and such declaration shall have the force of a final judgment. Such declaration may be had before there has been any breach of the obligation in respect to which said declaration is sought.

Power not exercised when

1061. The court may refuse to exercise the power granted by this chapter in any case where its declaration or determination is not necessary or proper at the time under all the circumstances.

Other remedies not affected.

1062. The remedies provided by this chapter are cumulative, and shall not be construed as restricting any remedy, provisional or otherwise, provided by law for the benefit of any party to such action, and no judgment under this chapter shall preclude any party from obtaining additional relief based upon the same facts.

CHAPTER 464.

An act to amend section four thousand two hundred sixty seven of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the thirty-eighth class, and fixing the mileage and per diem of grand and trial jurors in such counties.

[Approved May 27, 1921. In effect—see subsection 19.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-seven of the Political Code is hereby amended to read as follows:

Counties of 38th class, salaries of officers.

4267. In counties of the thirty-eighth class the county officers and their deputies herein provided for, the township officers and grand jurors and trial jurors shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, per diem and mileage, to wit:

County clerk.

1. The county clerk, two thousand seven hundred dollars per annum; *provided*, (a) that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy who shall receive a salary of one thousand five hundred dollars per annum, and one deputy who shall receive a salary of nine hundred dollars per annum; the deputies herein provided for shall be appointed by the county clerk, and their salaries shall be paid by the said county in equal monthly installments at the same time in the same manner and out of the same funds as the salary of the county clerk is paid.

2. The sheriff, five thousand dollars per annum, and also his ^{Sheriff.} actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court magistrate of his county; *provided*, that in counties of this class the sheriff is hereby allowed one deputy who shall receive a salary of one thousand five hundred dollars per annum; *and further provided*, that the sheriff shall pay into the county treasury, for use of the county, all fees, commissions or mileage for the service of all papers issued by any court of the state outside of his county.

3. The recorder, two thousand seven hundred fifty dollars ^{Recorder} per annum; *provided*, that in counties of this class the recorder is hereby allowed one deputy who shall receive a salary of one thousand two hundred dollars per annum, and one deputy who shall receive a salary of one thousand dollars per annum.

4. The auditor, two thousand seven hundred fifty dollars per ^{Auditor.} annum; *provided*, that in counties of this class the auditor is hereby allowed one deputy who shall receive a salary of one thousand five hundred dollars per annum.

5. The treasurer, three thousand dollars per annum; *pro-* ^{Treasurer.} *vided*, that all commissions and fees authorized by any law to be collected by the treasurer shall be paid to the county.

6. The tax collector, two thousand four hundred dollars ^{Tax collector.} per annum; *provided*, (a) that in counties of this class the tax collector is hereby allowed one deputy for a period of eight months during each year who shall receive a salary of seventy-five dollars per month.

7. The assessor, four thousand dollars per annum; *provided*, ^{Assessor.} that the assessor shall receive and retain for his own use four per cent only on personal property tax collections made by him as authorized by section three thousand eight hundred twenty of the Political Code.

8. The district attorney, two thousand four hundred dollars ^{District attorney.} per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney a stenographer or clerk which person shall receive the sum of one hundred dollars per month, said sum to be paid in monthly warrants at the same time, in the same manner and out of the same funds as the salary of the district attorney is paid.

9. The coroner, such fees as are now or may hereafter be ^{Coroner.} allowed by law.

10. The public administrator, such fees as are now or may ^{Public administrator.} be hereafter allowed by law.

11. The superintendent of schools, three thousand two hundred ^{Superintendent of schools.} dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools, and who shall serve as secretary of the county board of education without compensation; *provided*, (a) that in counties of this class the superintendent of schools is

hereby allowed one deputy who shall receive a salary of one thousand two hundred dollars per annum.

Surveyor.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population less than five hundred, twenty dollars per month.

Constables.

14. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses, incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

Supervisors.

15. Supervisors, the sum of one hundred twenty-five dollars per month each; mileage at the rate of twenty cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioner or supervisor, not exceeding in the aggregate six hundred dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county.

Reporters.

16. The official reporters, same as now provided by law.

Jurors.

17. In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents: such mileage to be allowed but once during each session such jurors are required to attend.

Appointment of deputies.

18. The deputies, stenographers, clerks and assistants herein provided for shall be appointed by the officers to whom the same are allowed, and shall be paid by the county, in equal monthly installments, at the same time, in the same manner and out of the same funds that said officers are paid.

In effect when.

19. The following provisions of this act, in relation to compensation, deputies, fees and expenses, to wit: (a) of subdivision one; subdivisions two, five, and eight; and (a) of subdivisions six and eleven, respectively, are intended to affect

present incumbents and shall take effect and be in force ninety days after the final adjournment of the legislature.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect.

CHAPTER 465.

An act to amend section four thousand two hundred seventy-one of the Political Code, relating to salaries of county and township officers and their deputies in counties of the forty-second class, and fixing the mileage and per diem of grand and trial jurors in such counties.

[Approved May 27, 1921. In effect—see subsection 20.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-one of the Political Code is hereby amended to read as follows:

4271. In counties of the forty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit: Counties of 42d class, salaries of officers.

1. The county clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed the county clerk, one deputy clerk, who shall be appointed by the county clerk, and shall be paid salary as follows: the sum of one thousand dollars per annum, which shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same fund as the salary of the clerk is paid; *provided*, that the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters of the county, which deputy registration clerks in all places in said county other than at the county seat shall receive as compensation for their services the sum of eight cents per name for each and every voter registered by them, said compensation to be paid out of the general fund of the county on the presentation of filing with the board of supervisors of the county a duly verified claim therefor, approved by the county clerk. County clerk.

2. The recorder shall receive a salary of one thousand five hundred dollars per annum, and in addition to his salary, fifty per cent of all fees collected by him as such recorder. Recorder.

3. The sheriff shall receive four thousand dollars per annum, and the fees or commissions for the service of all papers Sheriff.

issued by any court of the state outside of this county, also his traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county; *provided*, that in counties of this class the sheriff is hereby allowed one office deputy and two outside deputies, who shall be appointed by the sheriff, and who shall each receive a salary of one thousand two hundred dollars per annum, which shall be paid by the county in equal monthly installments, at the time and in the same manner and out of the same funds as the salary of the sheriff is paid.

Auditor. 4. The auditor, two thousand four hundred dollars per annum.

Treasurer. 5. The treasurer, two thousand dollars per annum, which shall be in full for all services rendered by him; and he shall pay all fees collected by him into the treasury of the county, in the manner provided by law.

Tax collector. 6. The tax collector, one thousand one hundred dollars per annum. He shall also receive as compensation, to be paid to him for his services, one-third of one per cent of all moneys collected by him as tax collector.

Assessor. 7. The assessor, three thousand dollars per annum.

District attorney. 8. The district attorney, two thousand four hundred dollars per annum.

Coroner. 9. The coroner, such fees as are now, or may hereafter be allowed by law.

Public administrator. 10. The public administrator, such fees as are now, or may hereafter be allowed by law.

Superintendent of schools. 11. The superintendent of schools, two thousand four hundred dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools, and who shall serve as secretary of the county board of education without compensation; *provided* (a) that in counties of this class the superintendent of schools is hereby allowed one deputy who shall receive a salary of one thousand dollars per annum.

Surveyor. 12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or by the board of supervisors, and as ex officio county recorder; *provided*, that he shall be entitled to receive from the county his actual and necessary traveling expenses incurred in the performance of any order of the court or board of supervisors; for all other services the fees allowed by law.

Justices of the peace. 13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, also their necessary traveling expenses incurred in the performance of their official duties, which shall be in full for all services rendered by them in criminal cases; in townships having a population of two thousand five hundred or more, one

hundred dollars per month, in townships having a population of less than two thousand five hundred and more than nine hundred, seventy-five dollars per month, in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month, in townships having a population of less than five hundred, thirty dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions; *provided, however,* in counties of this class justices of the peace are required to devote all of their time to the duties of their office.

14. Constables shall receive the following monthly salaries, Constables. to be paid each month, and in the same manner and out of the same fund as county officers are paid; also their necessary traveling expenses incurred while in the performance of their official duties, which shall be in full for all services rendered by them in criminal cases: in townships having a population of more than two thousand five hundred, one hundred dollars per month; in townships having a population of less than two thousand five hundred and more than nine hundred, seventy-five dollars per month; in townships having a population less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions; *provided, however,* in counties of this class constables are required to devote all of their time to the duties of their office.

15. Supervisors shall each receive one hundred twenty-five Supervisors. dollars per month, and mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioner or supervisor, not exceeding in the aggregate two hundred fifty dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county.

16. The official reporter, such fees as are now provided by Reporter. law.

17. Assistants to surveyor. The board of supervisors in counties of this class may, by resolution, authorize the county Assistants to surveyor. surveyor to employ such assistants as may be necessary to perform such work as may be ordered by the board of supervisors or prescribed by law, and fix the compensation of such assistants and their actual necessary traveling expenses while in the field; such compensation and expenses to be allowed and paid as county charges.

18. Grand and trial jurors of the superior court shall each Jurors. receive for each day's attendance the sum of three dollars

per day, and for each mile of actual travel in attending court, twenty cents per mile one way only.

County
librarian.

19. There is created for counties of the forty-second class a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a salary of one thousand eight hundred dollars per annum, to be paid at the time and in the manner as other county officers.

In effect
when.

20. The following provisions of this act, in relation to compensation, deputies, fees and expenses, to wit: subdivision two; and (a) of subdivision eleven, respectively, are intended to affect present incumbents and shall take effect and be in force ninety days after the final adjournment of the legislature.

CHAPTER 466.

An act to provide for the establishment and maintenance of municipal hospitals within cities of the fifth and sixth classes.

[Approved May 26, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Establish-
ment of
municipal
hospital
in cities of
fifth and
sixth class.

SECTION 1. The board of trustees of any incorporated city of the fifth or sixth class in the State of California, must upon a petition signed by fifteen per cent of the registered, qualified electors of the city submit to the electors of the city the question whether a municipal hospital shall be established in said city; *provided*, that no municipal hospital has been already established therein. Said proposition may be submitted either at a general or special election and said election shall be conducted and the results thereof declared in conformity with the general election laws governing elections in cities of the fifth or sixth class, as the case may be. If a majority of the votes cast at said election are in favor of said proposition the municipal hospital for said city shall be deemed established and shall be managed and conducted in accordance with the provisions hereof.

Board of
hospital
trustees.

SEC. 2. Such municipal hospital shall be managed by a board designated as the board of hospital trustees, consisting of seven members to be appointed by the president of the board of trustees, by and with the consent of the legislative body of said city. Such trustees shall severally hold office for three years, serving without compensation; *provided*, that the members of the first board appointed shall so classify themselves by lot that two of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter and the other three at the end of two years thereafter. Residents and nonresidents shall be equally

eligible to such appointment and vacancies shall be filled by appointment for the unexpired term in the same manner.

SEC. 3. Board of hospital trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. Such boards shall appoint one of their number president who shall serve for one year and until his successor is appointed and in his absence shall select a president pro tem. Such board shall cause a proper record of their proceedings to be kept.

SEC. 4. The boards of hospital trustees shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government, protection and maintenance of municipal hospitals under their management and all property belonging thereto.

Second—To administer any trust declared or created for such hospitals, and received by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such hospitals.

Third—To prescribe the duties and powers of the manager, secretary and other officers and employees of any such hospitals; to determine the number of and appoint all such officers and employees, and to fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said boards.

Fourth—To purchase all necessary surgical instruments and hospital equipment and equipment for nurses' homes and all other property necessary for equipping a hospital and nurses home.

Fifth—To purchase such real property, and erect or rent and equip such buildings or building, room or rooms as may be necessary, when in their judgment a suitable building, or such portions thereof, has not been provided by the legislative body of the municipality for such hospital.

Sixth—To establish a nurses' training school in connection with such hospital, to prescribe a course of study for same and after the completion of same, to provide for the issuance of diplomas to graduate nurses.

Seventh—To do any and all things which an individual might do which is necessary for and to the advantage of a municipal hospital and a nurses training school.

Eighth—To do any and all other acts and things necessary to carry out the provisions of this act.

SEC. 5. Boards of hospital trustees shall, on or before the last day of July in each year, make a report to the legislative body of their municipality, giving the condition of the hospital on the thirtieth day of June preceding, together with a statement of their proceedings for the year then ended.

Tax levy.

SEC. 6. The legislative body of any municipality in which a municipal hospital has been established in accordance with this act, shall in making the annual tax levy and as a part thereof, if provision has not been otherwise made therefor levy a tax for the purposes of maintaining such hospital and purchasing property therefor including any other indebtedness incurred under the provisions of section four hereof by said board of hospital trustees, which tax shall be in addition to other taxes, the levy of which is permitted in a municipality; *provided*, that the board of trustees of any such municipality may, in lieu of such tax, levy for the purchase of property necessary for such hospital or the necessary surgical instruments or hospital equipment or equipment for nurses homes, raise the funds necessary therefor by a bond issue of such municipality under and pursuant to the provisions of an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof" in effect February 25, 1901, as amended, and said act shall be applicable to such bond issue, and for the purpose of issuance of such bonds each and all of said purposes for which a tax levy may be made hereunder shall be deemed a municipal improvement within the meaning of said bond act.

Hospital fund.

SEC. 7. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the hospital, shall be apportioned to a fund to be designated the hospital fund, and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise or bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the hospital, in accordance with the terms and conditions of such gift, devise or bequest. Payments for this fund shall be made upon warrants issued after due audit, by and on order from the hospital trustees, which warrants shall be signed by the president and secretary of said board of hospital trustees. The treasurer of the municipality shall pay such warrants without any further order or warrant from any other authority.

Title in municipality.

SEC. 8. The title to all property acquired for the purposes of such hospitals, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the municipalities in which such hospitals are, or are to be situated, and in the name of the municipal corporations may be sued for and defended by action at law or otherwise.

CHAPTER 467.

An act to amend sections four hundred forty-three, four hundred sixty-one, one thousand five hundred thirty-two, one thousand five hundred forty-three, one thousand six hundred eighteen, one thousand eight hundred seventeen, one thousand eight hundred eighteen, and one thousand eight hundred fifty-eight of the Political Code of the State of California, relating to schools and school revenues.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred forty-three of the Political Code of the State of California is hereby amended to read as follows:

443. On or before the thirty-first day of December in the year one thousand nine hundred twenty-one, and on or before the thirtieth day of June and the thirty-first day of December in each succeeding calendar year, the state controller shall transfer from the general fund of the state, to the state school fund, such sums in addition to the funds provided by the constitution for the support of the common schools and any other funds paid into the state school fund from other sources or made available by any provision of law for the support of the elementary schools of the state as shall provide in said fund for distribution in each school year in such manner as the legislature shall provide an amount not less than thirty dollars per pupil in average daily attendance in the day and evening elementary schools in the public school system during the next preceding school year.

Transfer by
controller of
money to
school fund

SEC. 2. Section four hundred sixty-one of the Political Code of the State of California is hereby amended to read as follows:

461. The state treasurer shall transfer from the general fund to the state school fund such sums as shall be certified to him by the state controller under the provisions of section four hundred forty-three of the Political Code.

Transfer by
treasurer

SEC. 3. Section one thousand five hundred thirty-two of the Political Code of the State of California is hereby amended to read as follows:

1532. It is the duty of the superintendent of public instruction:

Duties of
superin-
tendent
of public
instruction

First—To superintend the schools of this state.

Second—To report to the governor, on or before the fifteenth day of September preceding each regular session of the legislature, a statement of the condition of the public elementary and secondary schools, the state normal schools and other educational institutions, supported in whole or in part by the state.

Report to
governor

Tabular
statements
accompany-
ing report.

Third—To accompany his report with tabular statements, showing the number attending public schools, and the average attendance; the amount of state school fund apportioned, and the sources from which derived; the amount raised by county, city and county and district taxes, or from other sources of revenue, for school purposes; and the amount expended for salaries of teachers, for building schoolhouses, for district school libraries, and for incidental expenses.

Apportion
school
funds.

Fourth—To apportion the state school fund, and to furnish an abstract of such apportionment to the state controller, the state board of control, and to the county and city and county auditors, county and city and county treasurers and to the county and city and county superintendents of schools of the several counties and cities and counties of the state.

In apportioning said funds, he shall apportion to every county and to every city and county, seven hundred dollars for each and every teacher determined and assigned to the county, or city and county on average daily attendance by the report of the county or city and county superintendent of schools for the next preceding year as required of the county or city and county superintendent of schools by the provisions of section one thousand eight hundred fifty-eight of this code, and after thus apportioning seven hundred dollars on the teacher basis, he shall apportion the balance of the state school fund to the several counties or cities and counties according to their average daily attendance as shown by the reports of the county or city and county superintendents of schools for the next preceding school year.

Certify
apportion-
ment.

Fifth—To certify his apportionment of school moneys to the state controller, who must thereupon draw a warrant in favor of the treasurer of each county, or city and county, for the amount so apportioned to that county, or city and county.

Prepare
blanks.

Sixth—To prepare, have printed, and furnish all officers charged with the administration of the laws relating to the public schools, and to teachers, such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by county and city and county boards of education.

Compile
school laws.

Seventh—To have the laws relating to the public schools printed in pamphlet form, and to supply school officers and school libraries with one copy each.

Visit
orphan
asylums.

Eighth—To visit the several orphan asylums to which state appropriations are made, and examine into the course of instruction therein.

Visit
schools.

Ninth—To visit the schools in the different counties, and inquire into their condition; and the actual traveling expenses thus incurred, provided that they do not exceed one thousand eight hundred dollars per annum, shall be allowed, audited and paid out of the general fund in the same manner as other claims are audited and paid.

Tenth—To authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office. Authenticate orders.

Eleventh—To have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him. Bind documents

Twelfth—To report to the controller, on or before the tenth day of September of each year, the total average daily attendance in the elementary day and evening schools including the special day and evening elementary school classes, the average daily attendance in the day and evening high schools including the special day and evening high school classes, as shown by the annual reports of the county superintendents of the several counties on file in his office for the school year immediately preceding, and the average daily attendance of pupils upon each of such part-time vocational courses as are established and maintained by each high school district under the provisions of section one thousand seven hundred fifty *c* of this code, and as are shown by these reports and approved by the commissioner of vocational education. Report daily attendance.

Thirteenth—To deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office. Deliver records to successor.

Fourteenth—To visit and inspect each state normal school from time to time, inquire into its condition and management, require such reports as he may deem proper from the teachers of the school and exercise general supervision over the same. Inspect state normal schools.

Fifteenth—Not later than the tenth day of August in each year to prepare an estimate of the amount of state school money that will be apportioned to each county or city and county during the current school year, and to furnish a certified copy of such estimate to each county or city and county superintendent of schools. Estimate amount of state school money.

SEC. 4. Section one thousand five hundred forty-three of the Political Code of the State of California is hereby amended to read as follows:

1543. It is the duty of the superintendent of schools of each county:

First—To superintend the schools of his county. Duties of county superintendent of schools.

Second—To apportion the school moneys to each school district as provided in section one thousand eight hundred fifty-eight of this code, at least four times a year. For this purpose he may require of the county auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned: and it is hereby made the duty of the auditor to furnish such report when so required. If at the beginning of any school year any school district shall have an unincumbered balance in its maintenance funds which combined with its total estimated income to be received for maintenance pur-

poses from all sources other than district taxes during the current year shall exceed a sum of money sufficient to maintain and conduct the schools of the district during the current year. then the county superintendent of schools shall in the month of August of that school year transfer a sum of money from the maintenance funds of that district to the unapportioned school funds of the county, or city and county, equal to eighty per cent of the excess estimated as herein provided.

Requisitions
upon county
auditor

Third—(a) On the order of the board of school trustees, or board of education of any city having a board of education, to draw his requisition upon the county auditor for all necessary expenses against the school fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn, but no requisition shall be drawn upon the order of the board of school trustees or board of education against the funds of any district except the teachers' or janitors' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' or janitors' salaries be drawn unless the order shall state the monthly salary of teacher or janitor, and name the months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition. The order of the board of school trustees, or board of education, shall be made only on the form of blank prescribed by the county superintendent of schools and approved by the superintendent of public instruction; *provided*, that said blanks shall be printed and furnished to the school districts by the board of supervisors of the respective counties of the state, and when signed by at least two members of the board of trustees, or the officials authorized to sign orders for the board of education, shall be transmitted to the superintendent, who shall, in case he approve such demand, indorse upon it, "examined and approved." together with the number and date when approved, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant, or his order, who shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it "allowed." together with the number and date when allowed, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant and make a proper record thereof and charge against the particular fund of the particular district against which such demand was allowed; and said demand when so approved and signed by the superintendent, and when so allowed and signed by the auditor, shall constitute the requisition on the auditor, and the warrant on the treasury within the meaning of this act; *and provided, further*, that, the county superintendent of

schools, after examining and approving any demand, may transmit the same directly to the county auditor, who after allowing such demand shall return the same to the county superintendent of schools, who shall thereupon return said demand to the governing board of the school district, which shall issue said demand to the claimant or to his order.

(b) On the order of the board of trustees or board of education of any elementary school district located within, or having the same boundaries as, a high school district which has established an intermediate school course as provided for in section one thousand seven hundred fifty *a* of the Political Code, to transfer from the school funds of such elementary school district to the fund of the board having control of such intermediate school course, such sum as may be agreed upon, as provided in section one thousand six hundred seventeen *d* of the Political Code, by said board of trustees or board of education and said board having control of such intermediate school course, for the tuition of pupils residing in such elementary school district and attending such intermediate school course; *provided*, that all of the funds so transferred shall be applied exclusively to the support of the grades of such intermediate school course corresponding to the seventh and eighth grades of the regular elementary schools.

Transfer
funds for
intermediate
school
course.

Fourth—To keep, open to the inspection of the public, a register of warrants, showing the fund upon which the requisitions have been drawn, the number thereof, in whose favor, and for what purpose they were drawn, and also a receipt from the person to whom the requisition was delivered.

Register of
warrants.

Fifth—To visit and examine each school in his county at least once in each year. For every school not so visited the board of supervisors must, on proof thereof, deduct ten dollars from his salary.

Examine
schools.

Sixth—To preside over teachers' institutes held in his county, and to secure the attendance thereof of lecturers competent to instruct in the art of teaching, and to report to the county board of education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of state textbooks, and of high school textbooks regularly adopted by proper authority, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Teachers'
institutes.

Seventh—When he finds that the service makes it necessary and desirable, to issue temporary certificates as follows:

Temporary
certificates.

(a) A temporary kindergarten certificate to the holder of a valid kindergarten certificate issued by a county board of education of California, or to the holder of a credential issued by a school authorized by the state board of education to recommend teachers for kindergarten certificates in the State of California or a credential issued by the state board of education recommending the holder to receive a kindergarten primary certificate.

(b) A temporary elementary school certificate to the holder of a valid county certificate issued by a county board of education of California, or to the holder of a diploma issued by a California state normal school or other state normal school accredited by the state board of education, or a credential issued by the state board of education recommending the holder to receive an elementary certificate.

(c) A temporary secondary school certificate to the holder of a valid county certificate of secondary grade granted by a county board of education of California, or to the holder of a valid credential of secondary grade issued by a university authorized by the state board of education to recommend candidates for the high school certificate in California or to the holder of a state board high school credential.

(d) A temporary special certificate of elementary grade or of secondary grade to the holder of a special certificate of like grade issued by a county board of education in California, or to the holder of a recommendation of like grade in special subjects issued by an institution authorized by the state board of education to recommend persons for special certificates in the State of California, or to the holder of a credential of like grade in special subjects issued by the state board of education of California; *provided*, that a temporary special certificate may be issued only in such subjects as are listed in the certificate, recommendation, or credential upon which it is granted.

(e) A temporary health and development certificate, or an attendance officer certificate, or junior high school certificate, may be issued on credentials granted by the state board of education recommending the holder to receive such certificate.

(f) A temporary certificate issued between July first and December first shall expire on the January first following, and a temporary certificate when issued between December first and June twenty-ninth shall expire on the July first following; *provided*, that no person shall be entitled to receive a temporary certificate more than once in the same county.

Preliminary
certificates.

Eighth—To issue to persons in training for the teaching service "preliminary certificates" of a temporary character as follows:

(a) Upon a recommendation signed by the president, principal or director of a California school authorized by the state board of education to train teachers for kindergarten teaching, a preliminary certificate of kindergarten grade which shall authorize the holder thereof to do cadet-teaching without salary in any kindergarten school of the county.

(b) To a person holding a recommendation from a California state normal school a preliminary certificate of elementary grade which shall authorize the holder thereof to do cadet-teaching without salary in any subject in any elementary school of the county.

(c) To the holder of a recommendation from a university in this state authorized by the state board of education to issue recommendations for high school certificates, a preliminary

certificate of secondary grade which shall authorize the holder thereof to do cadet-teaching without salary in any elementary or secondary school of the county.

(d) To the holder of a recommendation from a California institution authorized by the state board of education to issue credentials for teachers of special subjects, or to the holder of a recommendation from the secretary of the state board of education, under regulations proscribed by said board, a preliminary special certificate of elementary or secondary grade as specified in said recommendation. Said preliminary special certificate shall authorize the holder thereof to do cadet-teaching without salary in the special subjects listed in the recommendation upon which the preliminary certificate has been granted in any school of like grade in the county.

No such preliminary certificate shall be granted for a period exceeding two years, nor shall the superintendent of schools collect a fee therefor.

Ninth—To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of school officers. Distribute laws, etc.

Tenth—To keep in his office the reports of the superintendent of public instruction. Keep reports.

Eleventh—To keep a record of his official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant or his authorized agent. Keep record of acts.

Twelfth—Except in incorporated cities having boards of education, to pass upon and approve or reject all plans for schoolhouses. To enable him to do so, all boards of trustees, before adopting any plans for school buildings, must submit the same to the county superintendent for his approval. Approve plans for school houses.

Thirteenth—To appoint trustees to fill all vacancies in elementary school districts as provided in section one thousand five hundred ninety-three of the Political Code or as may be otherwise provided by law; to appoint trustees to fill all vacancies in high school districts as provided in section one thousand seven hundred thirty-one of the Political Code or as may be otherwise provided by law; to appoint trustees in new elementary school districts to hold office until the first day of May next succeeding their appointment. In case of the failure of the board of school trustees to appoint a clerk of the district on the proper date or in case of a vacancy in the position of clerk of the district, the superintendent shall appoint a member of the board of school trustees clerk of the district. In case of the failure of the trustees to employ a janitor, as provided in section one thousand six hundred seventeen, subdivision seventh, of this code, he shall appoint a janitor, who shall be paid out of the school fund of the district. Should the board of school trustees of any district fail or refuse to issue an order for the compensation of such service, the superintendent is hereby author-

ized to issue, without such order, his requisition upon the county school fund apportioned to such district.

Make reports

Fourteenth—To make reports, when directed by the superintendent of public instruction, showing such matters relating to the public schools in his county as may be required of him.

Preserve reports.

Fifteenth—To preserve carefully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which will be filed in the office of the county clerk.

Grade schools.

Sixteenth—The county superintendent shall, unless otherwise provided by law, in the month of July of each year grade each school, and a record thereof shall be made in a book to be kept by the county superintendent in his office for this purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same.

Contract for Indian children.

Seventeenth—On the recommendation of the county superintendent of schools, boards of school trustees and city boards of education are hereby empowered to enter into contract with the national government to receive money from said national government for the Indian children in attendance in the schools under the jurisdiction of said boards, in addition to any money that may be appropriated for such schools by the state and the county. Any money received on such contract shall be transmitted to the county superintendent of schools to be by him paid into the county treasury to the credit of the special school fund of such school district. Any required amount of money so received may be used to provide suitable housing quarters for the teacher or teachers and to meet the necessary expenses of erecting, equipping and caring for the school property; and also for the purpose of purchasing food or clothing or both for pupils in cases of absolute necessity and want. On the receipt of such money the superintendent shall notify the clerk of the board of school trustees of the receipt of the money.

Emergency and supervision fund.

Eighteenth—The superintendent of schools of the county, or city and county, shall use the money allowed and apportioned under section one thousand eight hundred fifty-eight, third, of this code, as an emergency and supervision fund, for the employment of duly qualified teachers to supervise the work of teaching in the school districts of the county, or city and county, which had less than three hundred pupils in average daily attendance during the next preceding school year, for the payment of the salaries of teachers employed by him to visit, at least twice a month, and to instruct pupils and to direct the education of pupils who live more than five miles from the nearest public school in the district of which they are residents, and such other pupils residing in the school district as may not be able to attend the public school for reasons which are deemed good and sufficient by the superintendent of schools of the county, or city and county in which such pupils reside; and for employing and paying the salary

of teachers when unexpected emergencies arise, requiring the services of teachers and no other means of supplying teachers are available.

SEC. 5. Section one thousand six hundred eighteen of the Political Code is hereby amended so as to read as follows:

1618. *First*—The board of education of any city, or city and county, or the board of school trustees of any school district in this state may in its discretion establish and maintain separate classes in the elementary grades of the public schools for the education of deaf children by the pure oral system for teaching the deaf whenever there are five or more children between three and twenty-one years of age who are unable to hear common conversation by reason of deafness and who will attend such separate classes upon the establishment of the same. Classes for deaf children

Second—The board of education of any city or city and county or the board of school trustees of any school district in this state may in their discretion establish and maintain separate classes in the elementary grades of the public schools for the education of blind children whenever there are five or more blind children between the ages of three and twenty-one years who will attend such separate classes for the blind whenever the same are established. Classes for blind children.

Third—The board of education of any city or city and county or the board of school trustees of any school district in this state may in their discretion establish and maintain separate classes in the elementary grades of the public schools for the education of crippled children whenever there are five or more crippled children between the ages of three and twenty-one years who are unable to attend the regular full time day schools by reason of their crippled condition and who will attend a separate class for crippled children whenever such class is established. Classes for crippled children.

SEC. 6. Section one thousand eight hundred seventeen of the Political Code of the State of California is hereby amended to read as follows:

1817. The county superintendent of schools of every county, and of every city and county, must, at least ten days before the first day of the month in which the board of supervisors of such county, or city and county, is required by law to levy the amount of taxes required for county, or city and county purposes, furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of county or city and county elementary school fund needed for the current school year. This amount he must compute as follows: Estimate of school fund.

He shall calculate the amount required to be raised at thirty dollars per pupil in average daily attendance in the public day and evening elementary schools of the county or city and county for the next preceding school year.

He shall compare the amount thus determined with the estimated amount to be received from the state school fund for the support of the public day and evening elementary schools

of the county or city and county for the current school year as shown by the report and estimate of the state superintendent of public instruction, made to him not later than August fifteenth of the current year.

He shall report in writing to the board of supervisors the larger of the two amounts as the minimum amount of county or city and county school money required to be raised by a county or city and county school tax for the support of the public day and evening elementary schools of the county or city and county for the current school year.

SEC. 7. Section one thousand eight hundred eighteen of the Political Code of the State of California is hereby amended to read as follows:

L levy of
elementary
school tax.

1818. The board of supervisors of each county or city and county must annually, at the time and in the manner of levying other county or city and county taxes, levy and cause to be collected for the county or city and county elementary school fund a tax to be known as the county, or city and county elementary school tax, and fix a rate sufficient to raise an amount not less than the amount estimated to be raised by the county superintendent of schools of the county or city and county, in accordance with the provisions of section one thousand eight hundred seventeen of the Political Code, after deducting therefrom the total amount received for school purposes from the United States forest reserve fund and from poll tax collections during the previous fiscal year.

The supervisors must determine the minimum rate of the county or city and county school tax as follows:

They must deduct five per cent from the equalized value of the last general assessment roll and the amount required to be raised divided by the remainder of the assessment roll, is the rate to be levied; but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars.

Special
fund for
teachers'
salaries.

(a) In every county, or city and county, constituting but one school district, a portion of the school funds for any fiscal year subsequent to the present fiscal year equal in amount to the sum total of teachers' salaries for the next preceding fiscal year payable out of the school fund in question, shall constitute a special fund, to be used only for the payment of teachers' salaries as hereinafter provided, and to be known as the teachers' salary fund; *provided*, that no portion of any school fund consisting of moneys which are applicable exclusively to some special purpose defined by statute other than the payment of teachers' salaries shall be deemed a part of such school fund for the purposes of this act. Out of the teachers' salary fund shall be paid the salaries of all teachers holding in the fiscal year positions which existed in the preceding fiscal year. No other demands whatsoever shall be paid out of such fund. If, by any increase in the rate of salaries, or for any other cause, such fund should be insufficient to pay all of the salaries which constitute demands against it such fund shall be divided pro rata among such demands, and the portion of such demands

unpaid shall be payable out of any available money in the school fund of which said teachers' salary fund constitutes a part. If teachers' positions other than or in addition to those which existed in the preceding fiscal year are created, the salaries of teachers holding such different or additional positions shall not be paid out of the teachers' salary fund, but out of any other available moneys; but the amount of such salaries shall be included in determining the amount of the teachers' salary fund for the succeeding fiscal year. If there remain in any fiscal year any money in any teachers' salary fund after the payment of all legal demands for such year against such fund, such money so remaining shall be transferred to the general school fund of which said teachers' salary fund is a part, and shall become available for the payment of any unpaid lawful demands against such general fund. It shall be the duty of any officer whose duty it is to audit demands against the school fund of any such county, or city and county in this state, on or before the first Monday of the fiscal year, to file with the board of supervisors of such county, or city and county, and with the officer whose duty it is to pay demands against the school fund of any such county, or city and county, a certified copy of the statement made by him of the amount of money used in such county, or city and county, for the payment of teachers' salaries for the next preceding fiscal year, and no demands against the school funds of such county, or city and county, shall be allowed, audited, or paid until said copies shall have been filed, as aforesaid. The allowance, audit, or payment of any demand out of a teachers' salary fund in violation of this act, may be enjoined by the suit of any teacher whose salary is payable from said fund. The members of the governing body of any such county, or city and county, in this state, who shall pass a demand against said teachers' salary fund in violation of the provisions of this act, and any officer whose duty it is to audit demands against such fund and who shall audit a demand against such teachers' salary fund in violation of the provisions of this act, and any officer whose duty it is to pay demands against such funds, and who shall pay a demand against said teachers' salary fund in violation of this act, shall each be jointly and severally liable therefor to any teacher whose salary is payable from said fund who shall have been damaged by the allowance, audit, and payment of such demand.

SEC. 8. Section one thousand eight hundred fifty-eight of the Political Code of the State of California is hereby amended to read as follows:

1858. The school superintendent of every county and city and county must apportion all state and county school moneys for the elementary grades of his county or city and county as follows:

First—He must ascertain the number of teachers each school district is entitled to by calculating one teacher for the first thirty-five or a less number of pupils in average daily

Apportionment for elementary grades.

Number of teachers in each district.

attendance and one additional teacher for each additional thirty-five pupils or fraction of thirty-five pupils in average daily attendance, in the district, and one additional teacher for each three hundred pupils in average daily attendance in the district as shown by the annual school report of the school district for the next preceding school year; and in each school district wherein a separate class is established for the instruction of the deaf, or the blind, or the crippled, as provided in section one thousand six hundred eighteen of this code, an additional teacher for each nine deaf, or blind, or crippled children, or fraction of such number not less than five actually attending such class as shown by the school report of the school district for the next preceding school year; and in addition to the teachers herein before provided for each school district of the county or city and county, he must calculate one additional teacher for the county or city and county for each five hundred pupils or a major fraction thereof in average daily attendance in the aggregate in those school districts of the county, or city and county, in each one of which there were less than three hundred pupils in average daily attendance as shown by the annual school report of the county, or city and county for the next preceding school year.

Number of
teachers in
county.

Second—He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers allowed as provided in subdivision one hereof. He must make an annual report of the schools of his county or city and county under oath, to the superintendent of public instruction not later than August first of each year and must report the number of teachers ascertained or allowed to his county or city and county by the rule or provisions of subdivision one hereof.

Appor-
tion-
ment.

Third—One thousand four hundred dollars shall be apportioned to each school district for each and every teacher allowed to it; *provided*, that one thousand four hundred dollars shall be apportioned to each county or city and county for each teacher allowed on the aggregate average daily attendance of pupils in attendance in the various school districts, each of which had less than three hundred pupils in average daily attendance for the next preceding school year and the funds thus apportioned shall constitute an emergency and supervision fund under the control of the superintendent of schools of the county or city and county, and shall be used by him as provided by law.

Remainder
apportioned
by daily
attendance.

Fourth—All school moneys remaining on hand after apportioning school moneys as provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the number of pupils in average daily attendance in each school district during the next preceding school year.

In any newly organized school district where school was not maintained during the school year in which it was organized the county superintendent of schools must apportion one thousand four hundred dollars to the newly organized school district

for the purpose of maintaining school therein during the school year next succeeding the school year in which it was organized.

If, in any school year, any existing school district shall be suspended by the board of supervisors upon the recommendation of the county superintendent of schools, one thousand four hundred dollars shall be apportioned to such suspended school district during the year in which such district was suspended and such portion of such sum of money as may be needed may be used from time to time to insure and maintain the school property of the suspended district.

Fifth—A minimum full day's attendance on the regular full-time elementary day school as hereby established is, for a pupil of the first, second, or third grade, two hundred minutes, and for a pupil of the fourth, fifth, sixth, seventh, or eighth grade, two hundred forty minutes, of actual attendance for any given day upon school sessions, exclusive of intermissions. When a pupil is absent from the first, second, or third grade of a regular full-time day school, for any day, session, or part of a session, five per cent of a day's absence must be recorded for each full ten-minute period of absence; and when a pupil is absent from any other grade of said elementary school for any day, session or part of a session, five per cent of a day's absence must be recorded for each full twelve-minute period of absence; *provided, however*, that such record may not for any one day exceed one hundred per cent. The actual attendance of a pupil upon a regular full-time day school for any given length of time shall be the number of days school was actually taught during such time less the sum of his absences. Attendance upon evening schools and special day and special evening classes of day schools of elementary and secondary grade shall be kept according to regulations prescribed by the state board of education. A full day's attendance upon such schools or classes shall be four sixty-minute hours. Units of average daily attendance in elementary schools shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the regular full-time day and evening elementary schools including the special day and evening classes of the elementary schools of the district for the school year by the number of days school was actually taught in the regular elementary day schools of the district during said year; and units of average daily attendance in secondary schools shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the regular full-time secondary schools, the evening secondary schools, the special day and evening classes of secondary schools, and the part-time vocational courses of the district for the school year by the number of days school was actually taught in the regular secondary day schools of the district during said year; *provided*, that where a high school maintains during the school year four terms of school of at least twelve weeks each, and where the course of instruction is so arranged that students may complete a full year's work in any three of

these terms, the total number of days of pupils' attendance, as specified above, shall be divided by the greatest number of days school was actually taught in any three of the four terms, but in no case shall said divisor be less than one hundred seventy-five; *provided, further*, that in making up the aggregate attendance, if the number of days of attendance of any pupil for the fiscal year exceeds the above-mentioned divisor, the number of days which may be included on account of such pupil's attendance shall equal said divisor.

Uniform regulations governing attendance.

Sixth—Subject to the provisions of this code, the state board of education shall adopt uniform regulations governing the keeping of attendance in all secondary schools. In adopting regulations governing the keeping of the attendance of pupils upon the part-time vocational courses provided for in section one thousand seven hundred fifty *c* of this code, the state board may, in its discretion, provide that the time spent by a pupil in practical vocational work shall be counted in making up each six-hour minimum daily unit of attendance.

Where school closed because of contagious disease, etc.

Seventh—Where a school in a district maintaining more than one school is closed for a part of a term by order of a city or county board of health or of the state board of health, on account of contagious disease, or where such school has been closed on account of fire, flood or other public disaster, the average daily attendance of said school shall be estimated separately and added to the average daily attendance of the other schools of the district. The units of average daily attendance of said school shall be determined by dividing the total number of days of pupils' attendance upon such school including the special day and evening classes and the part-time vocational courses by the number of full-day sessions actually maintained in such school during the year; *provided*, that where such number is less than one hundred twenty days the divisor shall be one hundred twenty.

When districts do not have sufficient funds.

Eighth—Whenever in any school year, prior to the receipt by the school districts of any county, or city and county of this state, of their state, county, or city and county, or special or high school fund, the school districts of that county, or city and county shall not have sufficient money to their credit to pay the lawful demands against them, the county or city and county superintendent shall give the treasurer of said county or city and county, an estimate of the amount of school money that will next be paid into the county or city and county treasury, stating the amount to be appropriated to each district. Upon the receipt of such estimate it shall be the duty of the treasurer of said county, or city and county, to transfer from any fund not immediately needed to pay the claims against it, to the proper school fund an amount not to exceed ninety per cent of the amount estimated by the superintendent, and he shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the school fund shall be retransferred by the treasurer to the fund from which they were taken, from the first money paid into the school fund after the transfer.

CHAPTER 468.

An act to amend section one thousand five hundred thirty-three of the Political Code, relating to conventions of county and city superintendents.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred thirty-three of the Political Code is hereby amended to read as follows:

1533. He shall have power to call, annually, a convention of the county, city and district superintendents, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the public schools, the laws relating thereto, and such other subjects affecting the welfare and interest of the public schools as shall properly be brought before it. It is hereby made the duty of all county and city superintendents and of all district superintendents in districts employing fifty teachers or more to attend and take part in the proceedings of such convention when it is called. The actual expenses of the county superintendents attending the convention shall be allowed by the board of supervisors and paid out of the general fund; the actual expenses of the city superintendents and of all district superintendents in districts employing fifty teachers or more attending the convention shall be allowed and paid out of the same fund as the salary of such city or district superintendents is paid.

Conventions
of county
and city
superin-
tendents.

CHAPTER 469.

An act to amend section one thousand five hundred fifty-two of the Political Code, relating to the county superintendent of schools.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred fifty-two of the Political Code is hereby amended to read as follows:

1552. Each county superintendent shall receive his actual and necessary traveling expenses, said expenses to be allowed by the board of supervisors, and to be paid out of the county general fund; *provided*, that this amount shall not exceed ten dollars per district per annum; *provided, further*, that in any city and county each three hundred pupils enrolled in such city and county, as shown by the last report to the superintendent of public instruction, shall be considered equal to one school district.

Expenses of
county
superin-
tendent of
schools.

Each county superintendent shall also receive his actual and necessary traveling expenses, when with the approval of the board of supervisors, he attends any convention or conference to which he is called by the state board of education or the superintendent of public instruction, and when the board of supervisors delegates him to perform service outside of his county.

CHAPTER 470.

An act to accept the provisions and benefits of an act passed by the senate and the house of representatives of the United States congress assembled and approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain" and setting aside the funds received by the state under the provisions of said act of congress.

[Approved May 27, 1921. In effect July 20, 1921.]

The people of the State of California do enact as follows:

Assent
given to
federal oil
leasing act.

SECTION 1. The assent of the State of California is hereby given to the provisions in the act of congress of the United States entitled, "An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain," and approved by the President of the United States, February 25, 1920.

Moneys
credited to
state
junior
college
fund

SEC. 2. All moneys derived from bonuses, royalties and rentals under the provisions of said act of congress hereinbefore referred to, and apportioned under said act to the State of California, shall be received by the state treasurer and by him credited to the state junior college fund which is hereby created: *provided*, that if the amount so received by the state treasurer shall exceed the amount required to be apportioned to junior college districts as hereinafter provided, then all moneys apportioned under said act of congress to the State of California, in excess of the amount of state junior college fund so computed, shall be credited by him to the state school fund provided for in section six of article nine of the constitution of the State of California, as a part of the minimum amount of the state school fund therein required to be set aside for day and evening elementary schools. The superintendent of public instruction shall on or before September fifteenth of each year certify to the state treasurer and to the state controller the total number of students in average daily attendance in the junior college districts of the state during the next preceding school year and the total amount of money that should be set aside to be apportioned to the junior colleges as hereinafter provided.

SEC. 3. Each junior college district maintaining an accredited junior college, after the first full school year said junior college has been maintained, shall be entitled to receive from the junior college fund two thousand dollars per annum as the junior college allotment, and in addition thereto, one hundred dollars per unit of average daily attendance during the preceding school year; *provided*, that no junior college district shall receive any apportionment from the state unless it has provided during the preceding school year for the maintenance of the junior college an amount at least equal to the amount apportioned by the state. It shall be the duty of the superintendent of public instruction to apportion the state junior college fund in accordance with the provisions of this section. The state treasurer shall notify the state controller of all amounts that may be set aside for the junior college fund and the state controller must keep a separate account of the state junior college fund and must on the first Monday in January and on the first Monday in July of every year report to the superintendent of public instruction a statement of all moneys belonging to said fund. He must draw his warrant on the state treasurer whenever such treasurer presents, with his endorsement, an order drawn by the superintendent of public instruction against the state junior college fund and the state treasurer is hereby authorized to pay the same.

CHAPTER 471.

An act to amend sections three hundred fifty-four, one thousand four hundred eighty-seven, one thousand four hundred eighty-eight, one thousand four hundred eighty-nine, one thousand four hundred ninety-four, one thousand four hundred ninety-five, one thousand five hundred three, and one thousand five hundred seven of the Political Code of the State of California, relating to the state normal schools or teachers colleges, and to repeal sections one thousand four hundred ninety-seven, one thousand five hundred one and one thousand five hundred two of the Political Code.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section three hundred fifty-four of the Political Code is hereby amended to read as follows:

354. The state normal schools located at San Jose, Chico, San Diego, San Francisco, Santa Barbara, Fresno and Arcata, and any normal or teacher-training school established by the legislature of the State of California after the first day of January, one thousand nine hundred and twenty-one, shall hereafter be known as "state teachers colleges," shall be des-

State normal schools to be known as state teachers colleges

ignated respectively, as the State Teachers College of San Jose, the State Teachers College of Chico, the State Teachers College of San Diego, the State Teachers College of San Francisco, the State Teachers College of Santa Barbara, the State Teachers College of Fresno, the Humboldt State Teachers College, and shall each have a board of trustees constituted as follows: The governor of the state and the state superintendent of public instruction shall be ex officio members of each board. There shall also be five other members of the local board for each teachers' college, whose term of office shall be four years, and who shall be appointed by the governor, by and with the advice and consent of the senate of the State of California. It shall be the duty of the governor on or before the first day of July, one thousand nine hundred twenty-one, to appoint five trustees as members of each local board, one trustee to serve one year, one to serve two years, one to serve three years, and two to serve for four years, and thereafter to fill vacancies in such board, the term of office thereafter to be for four years, and to begin July first of each fourth year; *provided*, that the boards of trustees of each of the several state normal schools as now constituted shall become and shall be the boards of trustees of the state teachers colleges, as to personnel and as to the terms of office for which the members were appointed.

Boards of trustees.

Term

Objects of colleges.

Management.

Powers and duties of boards of trustees

Maintain training schools.

SEC. 2. Section one thousand four hundred eighty-seven of the Political Code is hereby amended to read as follows:

1487. The state teachers colleges shall have for their objects the education of teachers for the public schools of the state. The courses of instruction in such teachers' colleges shall not exceed four years in length.

SEC. 3. Section one thousand four hundred eighty-eight of the Political Code is hereby amended to read as follows:

1488. The state teachers colleges shall be under the management and control of boards of trustees, constituted as provided in section three hundred fifty-four of the Political Code of the State of California.

SEC. 4. Section one thousand four hundred eighty-nine of the Political Code is hereby amended to read as follows:

1489. The powers and duties of each board of trustees of the state teachers colleges of California are as follows:

1. To prescribe rules for their government and the government of the college;
2. To prescribe rules for the reports of officers and teachers of the colleges and for visiting other schools and institutions;
3. To provide for the purchase of apparatus, furniture, equipment, stationery and textbooks for the use of students;
4. To establish at their discretion, and maintain model and training schools of the kindergarten, elementary and intermediate or junior high school grade, and to require the students of the teachers college to teach and instruct classes therein;

5. To establish, with the approval of the state board of education, courses for training of teachers in any or all of the subjects for which special certificates of the elementary and secondary grade may be granted, and upon the satisfactory completion of these courses to grant diplomas of graduation therefrom; and to establish, with the approval of the state board of education, such additional teacher-training courses as may be authorized by law or by the state board of education in accordance with law;

6. When authorized so to do by the state board of education in accordance with the provisions of section one thousand five hundred nineteen of the Political Code, to establish and maintain courses of instruction and teacher training leading to a baccalaureate degree, and to grant the same.

7. To elect the president of the college, who shall be ex officio secretary of the board, and an assistant secretary who shall receive such salary as may be allowed by the board; and to elect members of the faculty, and other collegiate officers, upon their nomination by the president of the college, fix their salaries and prescribe their duties; *provided*, that after the president, or a member of the faculty, or other collegiate officer, has served successfully and acceptably in the college for a period of two years after the passage of this act, his or her appointment thereafter may, at the discretion of the board of trustees, be made for a term not to exceed four years, unless removed for cause; and *provided, further*, that in case a member of the faculty of a California state teachers college be engaged to instruct in extension work, evening work, special Saturday work or summer session work, he may receive such additional compensation for the same as may be agreed upon by the employing board of trustees. The trustees shall appoint the other employees of the college, and fix and provide for the payment of their salaries;

8. To control and expend all moneys appropriated for the support and maintenance of the college, and all moneys received for tuition or donations;

9. To cause a record of all their proceedings to be kept, which shall be open to public inspection at the college;

10. To report annually to the state superintendent of public instruction a statement of their transactions, and of all matters pertaining to the college; and such other information as the state superintendent of public instruction may require;

11. On recommendation of the faculty and president of the college, to exclude students who, because of poor scholarship or other evidence of unfitness, are judged incapable of becoming successful teachers in the public schools of the state;

12. To establish and maintain courses of study only in accordance with the rules and regulations prescribed by the state board of education as provided in section one thousand five hundred nineteen of the Political Code;

School
extension
service.

13. To detail one or more regular instructors of the college for school extension service in the rural schools of the state and to pay the salary and transportation expenses of any such instructor; *provided*, that the school extension service in any county shall be given only with the approval of the county superintendent of schools. Such school extension service may include a special study of rural school conditions and problems, and supervision and instruction of classes in the rural schools; *and provided, further*, that they may authorize the president of the college, or any member of the faculty designated by him, to attend any county institute as a lecturer or instructor, or to attend other educational meetings and conferences.

SEC. 5. Section one thousand four hundred ninety-four of the Political Code is hereby amended to read as follows:

Admission
of students.

1494. Students shall be admitted to the state teachers' colleges in accordance with the rules and regulations of the state board of education, as provided in section one thousand five hundred nineteen of the Political Code.

SEC. 6. Section one thousand four hundred ninety-five of the Political Code is hereby amended to read as follows:

Admission
of teachers.

1495. Teachers holding valid certificates to teach in any county in this state, and such other persons as may be qualified for admission under the rules and regulations of the state board of education, may be admitted to any state teachers' college.

Repealed.

SEC. 7. Section one thousand four hundred ninety-seven of the Political Code is hereby repealed.

Repealed

SEC. 8. Section one thousand five hundred one of the Political Code is hereby repealed.

Repealed.

SEC. 9. Section one thousand five thousand two of the Political Code is hereby repealed.

SEC. 10. Section one thousand five hundred three of the Political Code is hereby amended to read as follows:

Diploma
to entitle
holder to
teacher's
certificate

1503. 1. The board of trustees of each state teachers college, upon the recommendation of the faculty, may issue to those students, who worthily complete the full course of study and training prescribed, diplomas of graduation, from any of the courses of study and training authorized by section one thousand four hundred eighty-nine of this code.

2. A diploma thus granted, when accompanied by a credential issued by the state board of education, shall entitle the holder thereof to a certificate corresponding in grade to the grade of the diploma from any county, or city and county, board of education in the state; *provided*, that the state board of education shall grant such credential upon the presentation of such diploma, such credential being revocable by the state board of education for any of the causes specified in section one thousand five hundred nineteen of the Political Code. Upon presentation to any county, or city and county board of education, of a diploma from a teachers college of this state, accompanied by the credential hereinbefore provided for, such

board of education shall without fee grant the holder of such diploma and credential a certificate corresponding in grade to the grade of the diploma.

3. Said diploma of graduation from any state teachers' college in this state, when accompanied by a document granted by the faculty of the state university on or before the thirtieth day of June, one thousand nine hundred three, showing that the holder of such diploma has successfully completed the course of instruction in said university prescribed for students who are graduates of a teachers college of this state, shall entitle such holder to a high school certificate authorizing the holder to teach in any elementary school and in any high school in the state.

Sec. 11. Section one thousand five hundred seven of the Political Code is hereby amended to read as follows:

1507. Each order upon the controller of the state by the board of trustees of a state teachers college must be signed by the president of the board and countersigned by the secretary. Upon presentation of the order aforesaid, signed and countersigned, as aforesaid, the controller of the state must draw his warrant upon the state treasurer in favor of the board of trustees, for any moneys, or any part thereof, appropriated and set apart for the support of the teachers college, and the treasurer must pay such warrants on presentation.

CHAPTER 472.

An act to amend section one thousand five hundred forty-six of the Political Code, relating to the powers and duties of the county superintendent of schools.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred forty-six of the Political Code is hereby amended to read as follows:

1546. He may, in his discretion, require the trustees of any district to repair the school buildings or property, or to abate any nuisance in or about the premises, if such repairs or abatement can be done for a sum not exceeding fifty dollars, and there is a sufficient amount of money in the treasury to the credit of the district. He may also, in all cases, require the trustees to provide suitable outhouses, and, where practicable, to adorn the ground with fruit and ornamental trees and shrubbery; and if the trustees neglect to make such provision, he may cause it to be done, and pay for it on his requisition upon the county auditor, who shall draw his warrant payable out of any money to the credit of the district.

If a board of school trustees of any school district shall refuse or neglect to purchase and display United States flags as

provided in section one thousand six hundred fourteen of the Political Code, the superintendent of schools of the county shall purchase such flags and direct the teacher or teachers to display the flags as provided by law, and he shall draw his warrant on the current expense fund of the district in payment of the cost of such flags as he may find necessary to purchase.

CHAPTER 473.

An act to provide for an acceptance by the State of California of the provisions of an act passed by the congress of the United States known as the Smith-Lever act, and entitled, "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several states receiving the benefits of an act of congress approved July 2, 1862, and of acts supplementary thereto, and the United States department of agriculture;" approved May 8, 1914.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Assent of
state to
Smith-Lever
act.

SECTION 1. The State of California hereby assents to the provisions of an act passed by the congress of the United States known as the Smith-Lever act, and entitled, "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several states receiving the benefits of an act of congress approved July 2, 1862, and of acts supplementary thereto, and the United States department of agriculture;" approved May 8, 1914.

CHAPTER 474.

An act to add a new section of the Political Code to be numbered section one thousand six hundred twelve a and relating to school district budgets and school district taxes.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section numbered one thousand six hundred twelve a and relating to school district budgets, and school district taxes is hereby added to the Political Code of the State of California.

School
district
budget.

1612a. Each board of school trustees, city board of education, and high school board shall have power and it shall be its duty annually in the month of June to make a school budget showing all the purposes for which the school district

will need money and the amount of money that will be needed for each of said purposes for the next ensuing school year. The budget shall be made in quadruplicate upon blanks approved by the superintendent of public instruction, and shall be filed with the county superintendent of schools of the county or city and county not later than the first day of July next succeeding.

The county superintendent of schools shall examine such budget and if no changes are necessary shall approve the budget as submitted. If clerical corrections are needed he shall make such corrections and approve the budget as corrected. If in his judgment substantial changes are necessary he shall indicate the changes which he deems necessary and shall return the budget thus changed to the school board for reconsideration and resubmission. Not later than the thirty-first day of July the school board shall resubmit its budget with or without change from its original form as the school board may desire. Thereupon the superintendent of schools shall approve such budget.

Approval by
county
superin-
tendent
of schools.

After approving the budget of a school district, the county superintendent of schools shall determine the amount of money which must be provided by a school district tax. He shall determine this amount by deducting from the total estimated needs of the school district as shown by its budget the total estimated income of the school district from all sources other than a school district tax for the current school year as estimated by himself. The remainder, if any remainder there be, thus obtained shall be the minimum amount of the school district tax to be levied by the board of supervisors for the particular school district.

Determi-
nation of
school
district
tax.

Not later than ten days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required for county or city and county purposes, the county superintendent of schools shall file with the board of supervisors and with the auditor a copy of the approved budget of each school district showing the amount of school district taxes required by each school district of the county or city and county.

The board of supervisors of each county or city and county must annually at the time and in the manner of levying county or city and county taxes levy and cause to be collected a district tax for each school district whose budget shows a district tax to be necessary, and to fix such a rate for such district tax as will produce at least the amount of district tax money requested by the particular district. If the board of supervisors refuse or neglect to make the levy provided for under this section then the levy shall be made by the county auditor.

Levy of
tax

If the school board of any school district neglect or refuse to make a school district budget as prescribed by this section, the county superintendent of schools shall not make any apportionment of state or county school money for the particular school district for the current school year.

SEC. 2. All acts and parts of acts not in harmony with this section are hereby repealed.

CHAPTER 475.

An act to amend section three hundred forty-five of the Code of Civil Procedure, relating to the time of commencement of civil actions.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section three hundred forty-five of the Code of Civil Procedure is hereby amended to read as follows:

Time for
commence-
ment of
actions.

345. The limitations prescribed in this chapter apply to actions brought in the name of the state or for the benefit of the state, in the same manner as to actions by private parties, except that actions for the recovery of money due on account of the support of patients at the state hospitals may be commenced at any time within four years after the accrual of the same.

CHAPTER 476.

An act to add a new section to the Political Code, to be numbered one thousand seven hundred thirty-four b, relating to high school districts.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered one thousand seven hundred thirty-four b is hereby added to the Political Code and to read as follows:

Annexation
of common
school
districts
to high
school
districts.

1734b. Not later than August thirty-first, one thousand nine hundred twenty-one, the board of supervisors of each county or city and county in which there are one or more high school districts, and in which there are one or more common school districts not members of any high school district at the time of the passage of this act shall upon recommendation of the county superintendent of schools annex each of such common school districts to that high school district whose high school is most easily accessible to the children of the particular common school district; *provided*, that no common school district shall be annexed to such high school districts without the recommendation of the county superintendent of schools, and the supervisor or supervisors in

whose district or districts said common school districts may be located; *and provided, further*, that no common school district shall be annexed unless the nearest point of such common school district lies within ten miles of a high school district.

For the purpose of giving notice to all parties interested the board of supervisors must publish a notice at least once a week for two successive weeks in some newspaper of general circulation published in the county or if there is no such paper, then in some newspaper of general circulation, circulated in such county. Such notice shall state the time when, and the place where, the board of supervisors will act and shall give the names of the common school districts which will

Notice.

be affected by the action of the board; *provided*, that every school district effected by the provisions of this section shall upon request of its governing board or a petition by a majority of the heads of families residing therein have the right to determine the high school district to which it shall be annexed. Election for such purpose shall be held as provided in section one thousand seven hundred twenty-seven for a formation of a union high school district except that the ballots used at such election in each district shall contain the words.

Election
on choice
of high
school
district.

For annexation to ----- high school district; and electors voting at such election shall write in the name of the high school district to which they want to be annexed; *provided*, that printed ballots containing the name of the high school district may be used and counted. A majority of the votes cast at the election shall determine the choice of the high school district to which such district shall be annexed; *and provided, further*, that where the high school district which is most accessible to a majority of the pupils of the common school district attending high school is governed by an appointive school board that the board of supervisors instead of annexing said common school district to the high school district having an appointive school board shall cause to be levied upon the property of such elementary school district a tax which shall produce an amount computed as follows: From the entire cost of maintenance of the high school for the year plus the interest and payments on bonds of said high school district for the year, there shall be subtracted the entire income of such high school from state and county sources: the remainder shall be divided by the units of average daily attendance in said high school, and the quotient so obtained shall be multiplied by the units of average daily attendance of pupils from the aforesaid elementary school district. Said amount shall be levied and collected from such elementary school district in the usual way and shall be paid into the special fund of the high school district; *provided, however*, that wherever a school district is not annexed to a high school district and sends pupils to more than one high school, that each of such high schools may collect on account of the attendance of each pupil from such district an amount computed as hereinbefore provided;

Levy of
tax on
elementary
districts.

provided, further, that the principal of any high school may deny admission to any student of a district lying outside the high school district if there is no room to receive such student.

CHAPTER 477.

An act to provide for the issuance of bonds by junior college districts.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Issuance of
bonds by
junior
college
districts.

SECTION 1. The junior college board of any junior college district may, when in its judgment it is advisable, and must upon a petition of the majority of the heads of families residing in such junior college district, call an election and submit to the electors of the junior college district the question whether the bonds of such junior college district shall be issued and sold for the purpose of raising money for purchasing junior college lots, for building or purchasing one or more junior college buildings or making alterations or additions to the junior college building or buildings, for repairing, restoring or rebuilding any junior college building damaged, injured or destroyed by fire or other public calamity, for supplying junior college buildings with furniture or necessary apparatus, for improving the grounds, for liquidating any indebtedness already incurred for said purposes, or for refunding any outstanding valid indebtedness of such district, evidenced by bonds or warrants thereof. Any one or more or all of said purposes, except that of refunding any outstanding valid indebtedness of such district, evidenced by bonds or warrants thereof, may by order of said board, entered in its minutes, be united and voted upon as one single proposition. Such election must be called by posting notices, signed by a majority of the junior college board, in at least three public places in the junior college district, not less than twenty days before the election; and if there is a newspaper of general circulation published in any county in which any part of said district is situated, by publishing such notice therein not less than once a week for three successive weeks. The first publication of said notice shall be not less than twenty-one days before such election. Such notice must contain: The time and place, or places, of holding such election; the names of the inspectors and judges to conduct the same; the hours during the day in which the polls will be open; the purposes for which the bonds are to be issued; the amount of bonds and the denomination thereof, which shall not be more than one thousand dollars or less than one hundred dollars; the rate of interest, not exceeding six per cent per annum, payable annually or semiannually;

Election.

Notice.

and the number of years, not exceeding forty, the whole or any part of said bonds are to run. Such election shall be conducted in conformity with the provisions of sections one thousand five hundred ninety six, one thousand five hundred ninety-seven, one thousand five hundred ninety-eight, one thousand five hundred ninety-nine, one thousand six hundred, and one thousand six hundred one of this code, and the words to appear upon the ballots shall be "Junior college district bonds—Yes" and "Junior college district bonds—No" or words of similar import. Electors voting at such elections shall mark a cross with pencil, ink or rubber stamp, after the answer they desire to give. On the seventh day after said election at one o'clock p.m. if the returns have all been made to the junior college board of such junior college district, such junior college board must meet and canvass said returns. If all the returns have not then been received, the board must adjourn from day to day until said returns are all received, and must then proceed to canvass the same. The canvass may be continued from day to day until completed.

SEC. 2. If it appears that two-thirds of the votes cast at said election were cast in favor of issuing such bonds, then such junior college board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board of supervisors of the county whose superintendent of schools has jurisdiction of said junior college district all of the proceedings had in the premises, and thereupon said board of supervisors shall be and it is hereby authorized and directed to issue the bonds of such junior college district, in accordance with such proceedings, payable out of the interest and sinking fund of such junior college district, naming the same; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the junior college district as shown by the last equalized assessment of the county in which such district is located. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds and of the interest coupons attached thereto, if any, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof. If the notice calling the election shall have provided that the bonds and the interest thereon shall be payable in gold coin of the United States, the bonds shall be made payable in such gold coin, as to principal and interest. If the notice calling the election shall have provided that the bonds and the interest thereon shall be payable in lawful money of the United States, the bonds shall be made payable in lawful money of the United States as to principal and interest. If the notice shall have made no such specific provisions, the board of supervisors shall have power in the order prescribing the form of the bonds either to make the bonds payable in gold coin of the United States as to principal and interest, or to make them payable in

Two-thirds
vote.

Limit on
amount of
bonds.

Order of
supervisors
prescribing
form of
bonds.

Place of
payment.

lawful money of the United States as to principal and interest. Said board of supervisors may make the principal and interest of said bonds payable at the office of the treasurer of the county, or at such other place within the United States as the board may designate, or at such treasurer's office or such other designated place, at the option of the bondholder; which place of payment shall be specified in the bonds; and this provision shall apply to all such bonds not yet issued when this section takes effect, regardless of the time when the election therefor was held. The expense of paying such principal and interest elsewhere than at the office of the treasurer shall be a charge against the junior college district funds, to be paid out of the tax for the payment of the bonds. Such bonds must be sold at the times and in the amounts prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of the said junior college district, and be drawn out for the purposes aforesaid as other junior college moneys are drawn out. Before selling said bonds, or any part thereof, the board of supervisors must advertise for bids therefor for at least two weeks in some daily or weekly newspaper of general circulation published in the county, or if there is no such newspaper published in the county, in some such newspaper published in some other county in the state. If satisfactory bids are received, the bonds offered for sale must be awarded to the highest bidder. If no bids are received, or the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell said bonds at private sale.

Sale of
bonds.

Award to
highest
bidder.

Levy of tax
for interest
and
redemption.

SEC. 3. The board of supervisors of the county whose superintendent of schools has jurisdiction over any junior college district must annually, at the time of making the levy of taxes for county purposes, levy a tax for that year upon the taxable property in such junior college district for the interest and redemption of all outstanding bonds of such district, and said tax must not be less than sufficient to pay the interest of said bonds for that year, and such a portion of the principal as is to become due during such year, and in any event must be high enough to raise annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term high enough to pay such annual interest, and to pay annually a proportion of the principal of said bonds, equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all taxes so levied, when collected, shall as herein provided be paid into the county treasury of the county whose superintendent of schools has jurisdiction over the junior college district in behalf of which such tax was levied to the credit of the bond interest and sinking fund of such junior college district, and be used for the payment of the principal and interest

on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of the county aforesaid at the place required by the terms of such bonds, upon presentation and surrender of warrants drawn by the county auditor in payment thereof after he has cancelled the bonds and coupons, or upon the receipt of the registered owner if such bonds are registered, after a proper warrant has been drawn by the auditor therefor, out of the fund provided for their payment.

In case of a junior college district situated in two or more counties, the assessor of each of such counties must annually, as soon as the county assessments have been equalized by the state board of equalization certify to the board of supervisors of each of the counties in which any portion of such junior college district is situated, the assessed value of all taxable property in such county situated in such junior college district, and the said tax shall be so levied according to the ratio which the assessed value of the property in such junior college district in any county bears to the total assessed value of the property in such district, each board of supervisors to levy upon the property in such junior college district and within their own county, such rate of tax as will be sufficient to raise not less than the amount needed to pay the interest and such portion of the principal of such bonds as is to become due during such year. Said tax shall be entered upon the assessment roll and collected in the same manner as other school taxes are entered and collected and when collected paid into the treasury of such county and it shall then be the duty of the treasurer of any such county other than the one whose superintendent of schools has jurisdiction over such junior college, on written demand of the treasurer of the county whose superintendent of schools has jurisdiction over such junior college to pay the sum collected on account of such tax into the treasury of the county whose superintendent of schools has jurisdiction over such junior college. Wherever money has been raised for the payment of principal or interest of outstanding bonds of any junior college district and the same is at the time this section takes effect in the treasury of any other county than that prescribed by this section for the custody of such funds, the same shall at once be paid into the proper county treasury as above provided.

SEC. 4. Whenever any bonds authorized under the provisions of sections one and two of this act shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the junior college board of the junior college district, for and on account of which such bonds were issued, may petition the board of supervisors to whom the proceedings were certified to cause such unsold bonds to be withdrawn from the market and canceled. Upon receiving such petition, signed by a majority of the members of said junior college board, the said board of supervisors shall fix a time for hearing the same,

which shall not be more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing, in some newspaper published in said junior college district, if there is one, and if there is no newspaper published in said junior college district, then in a newspaper published at the county seat of the county. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the said board of supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if said board shall deem it for the best interests of the junior college district named in the petition, that such unsold bonds be canceled, said board shall make and enter an order in the minutes of its proceedings that said unsold bonds be canceled; and thereupon said bonds and the vote by which they were authorized to be issued shall cease to be of any validity whatever.

CHAPTER 478.

An act to amend an act entitled "An act providing for the designation of money in the state treasury as surplus money, authorizing the investment and reinvestment of such money in certain classes of bonds, directing the disposal of interest or premium received therefrom and permitting the subsequent sale or exchange of the bonds so purchased," approved June 10, 1913.

[Approved May 27, 1921. In effect July 20, 1921.]

The people of the State of California do enact as follows:

Stats 1913,
D. 564,
amended

SECTION 1. Section three of an act entitled "An act providing for the designation of money in the state treasury as surplus money, authorizing the investment and reinvestment of such money in certain classes of bonds, directing the disposal of interest or premium received therefrom and permitting the subsequent sale or exchange of the bonds so purchased," approved June 10, 1913, is hereby amended to read as follows:

Sale or
exchange
of bonds
purchased.

Sec. 3. Any bonds purchased or held under the provisions of this act may be sold or exchanged for other bonds of any of the classes described in section one of this act, and the money received from any such sale may be reinvested by the state board of control in the purchase of any such bonds; *provided*, that no such sale or exchange shall be made at a price less than the market price of such bonds so sold or exchanged; *and provided, further*, that any interest or premium collected or received by the state from any bonds purchased or held under

the provisions of this act shall be credited by the state treasurer to a fund to be known as the "bond investment fund" which fund is hereby established. The state treasurer shall semiannually, on the last days of June and December, transfer one-half of the amount then in said fund to the general fund, and shall transfer one-half of the amount then in said fund to the state school land fund.

CHAPTER 479.

An act to amend section four of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, is hereby amended to read as follows:

Sec. 4. Every corporation under the provision of this act shall have power:

First—To loan money on personal security, or otherwise, and to deduct interest therefor in advance at the rate of six per cent per annum, or less, and, in addition, to receive and to require uniform weekly or monthly installments on its certificates of investment, purchased by the borrower simultaneously with the said loan transaction or otherwise, and pledged with the corporation as security for the said loan, with or without an allowance of interest on such installments.

Second—To sell or negotiate choses in action for the payment of money at any time, either fixed or uncertain, and to receive payments therefor in installments or otherwise, with or without an allowance of interest upon such installments. Nothing herein contained shall be construed to authorize corporations hereunder to receive deposits or to issue certificates of deposit. The issuance of choses in action herein authorized shall be approved as to form by the commissioner of corporations and shall bear the endorsement on the face of the instrument "This is not a certificate of deposit."

Third—To charge for a loan, made pursuant to this section, two dollars, or less for every fifty dollars, or fraction thereof loaned, for expenses, including any examination or investigation of the character and circumstances of the borrower, and the drawing and taking acknowledgment of any papers, or other expenses incurred in making the loan. No charge shall be collected unless a loan shall have been made.

Stats 1917,
p. 659,
amended.

Powers of
industrial
loan
companies.

Fourth—To establish branch offices, or places of business within the county, in which its principal place of business is located, but not elsewhere.

In addition to the powers herein enumerated, every corporation, under the provisions of this act, shall have the general powers conferred upon corporations by chapter three, title one, part four, division first, of the Civil Code, except as herein otherwise provided.

Repealed.

SEC. 2. All acts or portions of any act in conflict with the provisions of this act be repealed.

CHAPTER 480.

An act to amend sections one thousand five hundred ninety-nine, one thousand six hundred one and one thousand six hundred two of the Political Code, relating to school elections.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred ninety-nine of the Political Code is hereby amended to read as follows:

Ballots for
school
elections.

1599. Each county superintendent of schools shall furnish uniform ballots for the election of school trustees in his county, and no other form of ballot shall be used. The expense of printing and distributing such ballots to the various districts shall be paid as other current expenses of his office. The form of said ballots shall be as follows:

Official ballot provided by the office of the superintendent of schools to be used in the election of school trustees in-----
district, in the county of-----.

Immediately following the above there shall be at least twelve spaces for the insertion of the names of candidates, each space with a blank square for the expression of the will of the voter.

The name of the county shall be printed in as a part of the official ballot.

The school trustees must provide for printing, stamping or writing into this ballot the designation of the district and the name of each candidate for office who has officially announced himself ten days prior to the date of the election by filing or having filed with the clerk of the board of trustees a written statement signed by him that he is a candidate for the office of trustee.

Marking
ballot.

In casting his vote the elector must stamp or write a cross in the square space immediately following the name of the candidate for whom he desires to vote, or, should the elector desire to vote for a candidate whose name does not appear on the ballot, he shall himself write the name of said candidate in

the space provided for that purpose on the ballot. Where the elector writes the name of a candidate on the ballot he may, but it shall not be necessary for him to, designate his vote by writing or stamping the cross after such name. After properly marking his ballot he shall hand it to the inspector who shall then, in his presence, deposit the same in the ballot box and the judges shall enter the elector's name on the poll list.

The board of school trustees may arrange for secret ballot ^{Booths.} by providing a booth or private room in which the voter may prepare his ballot, and in districts employing two or more teachers they must arrange for such secret ballot in the manner prescribed above.

No electioneering shall be carried on within one hundred feet of the polls.

SEC. 2. Section one thousand six hundred one of the Political Code is hereby amended to read as follows:

1601. *First*—The superintendent of schools of the county shall furnish with the official ballots required in section one thousand five hundred ninety-nine of this code official poll and tally lists. The heading of the poll list shall read "Official poll list of ----- school district for the school election held on the ----- day of March 192..." Under this heading shall be arranged three columns. The first column shall have printed as its heading "Write your name as it appears on the great register of this county." The second column shall have printed as its heading "Write your residence, street and number, town or city, and school district." The third column shall have printed as its heading the question, "Are you a qualified registered voter in this school district?" The person offering to vote at a school election shall write his name in the first column of the poll list, give his residence in the second, and in the third shall write the word "Yes" or "No." If he write the word "No" he shall not be permitted to vote. The persons writing the word "Yes" may be subject to challenge under provisions of section one thousand six hundred of the Political Code.

Second—The tally list shall have printed as its heading "An official tally list of ----- school district for the school election held on ----- day of March 192..." It shall be arranged in lines so as to give room for at least five candidates and shall be vertically ruled providing for counting the votes under a tally system. The final column shall have as its heading "Total votes cast for each candidate." At the bottom of the page shall be provided a space for the signatures of the election officers and over these signatures shall be printed the words "We hereby certify that this is a correct report of the election held in ----- school district on the ----- of March 192..."

SEC. 3. Section one thousand six hundred two of the Political Code is hereby amended to read as follows:

1602. *First*—The officers of election must publicly canvass ^{Canvass of votes.} the votes immediately after closing the polls, fill out the tally

sheet, certifying to the correctness of the canvass made. They shall make, sign and deliver certificates of election to the person or persons elected, which must with the oath of office of the person so elected attached be forwarded by the person elected to the superintendent of schools of the county.

Returns.

Second—The superintendent of schools of the county shall furnish with the ballots and poll and tally list an envelope on which shall be printed the name and address of the superintendent of schools of the county and in the lower left hand corner the words "Returns of election held in ----- school district, ----- county, on March ----- 192---. The officers of election in elementary school districts shall fill out the blanks given on the envelopes and enclose and seal in the envelopes the poll and tally list and ballots cast at said election. The judge of the election shall take possession of the returns and deliver them to the clerk of the school district who shall receipt him for the same. The clerk shall within five days after receiving such returns forward them to the superintendent of schools of the county, who shall keep the same on file for one year. In case of the election for high school trustees in union and joint union high school districts the returns shall be made as provided in section one thousand seven hundred thirty-one of the Political Code and the president of the high school board shall seal the returns in envelopes by elementary school districts and forward the same to the superintendent of schools of the county with the blanks filled out with the name of the high school district.

CHAPTER 481.

An act to amend section one thousand five hundred seventy-seven of the Political Code, relating to the formation of new school districts, the change of boundaries of school districts, and providing for the education of children and their transportation to the public schools.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred seventy-seven of the Political Code is hereby amended to read as follows:

Formation of
new school
district.

1577. *First*—No new school district shall be formed at any other time than between the first day of October and the tenth day of February, nor at that time unless the parents or guardians of at least fifteen children between the ages of five and seventeen years as shown by the petition, residents of such proposed new district and residing at a greater distance than five miles by a state or county traveled road and from the public schoolhouse in the district in which such parents or guardians

reside, present a petition to the superintendent of schools, setting forth the boundaries of the new district asked for; *provided*, that when any smaller number of children between the ages of five and seventeen years reside at a distance of seven miles or more by a state or county traveled road or five miles or more where there is no state or county traveled road from a public school, or where such children are unable to attend the public school for reasons that are deemed good and sufficient by the superintendent of schools of the county or city and county in which such children reside, the parents or guardians of such children may present a petition to the superintendent of schools for the formation of a new school district, setting forth the boundaries thereof; or the superintendent of schools may provide an extra teacher for, or may provide transportation for such children to the public school. The salaries of such teachers and the cost of such transportation shall be paid out of the county unapportioned fund; *provided*, that the provisions requiring that the petitioners shall reside a distance of more than five miles by a state or county traveled road from said public schoolhouse may be dispensed with when the petition shall be signed by parents or guardians of fifty or more children between the ages of five and seventeen years, residents of a district or districts containing more than two hundred children in average daily attendance in the elementary schools of said district or districts as shown by the report of the teacher or principal of said school or schools on file in the office of the county superintendent of schools for the school year immediately preceding; but no city or incorporated town shall be divided into separate school districts under the provisions of this act.

Second—The boundaries of a school district, except as Boundaries. provided in section one thousand five hundred fifty-one of the Political Code, shall be changed only between the first day of October and the tenth day of February in any year, and then only when at least ten heads of families, who are American citizens or who are eligible to American citizenship, residing in the districts affected by the proposed change of boundaries shall present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the same; *provided*, that two or more elementary school districts lying contiguous may at any time be united to constitute but one district, whenever a petition signed by a majority of the heads of families residing in each of said districts shall be presented to the superintendent of schools. Said petition shall be acted upon in the same manner as is done in case of the formation of new school districts.

Third—Joint districts (that is, districts lying partly in one Joint districts. county and partly in another) may be formed at any time between the first day of October and the tenth day of February in any year, whenever a petition signed by the parents or guardians of at least fifteen children between the ages of five and seventeen years as shown by the petition, residents of such pro-

posed joint district and residing at a greater distance than five miles by a state or county traveled road from any public schoolhouse, shall be presented to the superintendent of schools of each county affected by the proposed formation of the joint district; and *provided, further*, that the provisions requiring that the petitioners shall reside a distance of more than five miles by a state or county traveled road from a public schoolhouse may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more children between the ages of five and seventeen years as shown by the petition, residents of school district or districts containing an average daily attendance of two hundred or more in the elementary schools of said district or districts as shown by the reports on file in the office of the superintendent of schools for the school year immediately preceding. All the provisions relative to the formation of joint districts shall be by concurrent action of the superintendent and the board of supervisors of each county affected; *still further provided*, that by concurrent action of the boards of supervisors and the county school superintendents, contiguous school districts or parts of such school districts lying in different counties may, on proper petitions as above required, be united to form a joint school district, and the school property within the territory thus united shall become the property of the newly formed joint school district.

Children
in new
districts.

Fourth—The children residing in any newly formed district, in any district whose boundaries have been changed, or in any joint district, shall be permitted to attend the school in the district or districts from which the newly formed district was constituted until the first day of July next succeeding the formation or change.

Transfer of
funds.

Fifth—Whenever a district shall be united with a municipality or with another district, all funds belonging to said district shall be transferred, by requisition of the superintendent of the county upon the county auditor, to the municipality or district with which said district is united.

CHAPTER 482.

An act to add a new section to the Political Code, to be numbered one thousand seven hundred sixty-four b, relating to the raising of a tuition fund in counties having high school pupils attending school in an adjoining state.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered one thousand seven hundred sixty-four b, to read as follows:

Levy of
tuition tax
for pupils
attending
high school
in
adjoining
state.

1764b. 1. The board of supervisors in counties in which high school students are attending high school in an adjoining state, on the approval of the county superintendent of schools

of the county in which they live shall levy a tax on the taxable property of the county to be known as the county high school tuition tax. The minimum of this tax shall be an amount provided for in subdivision second of this section, which will produce a fund large enough to pay the tuition, and also the transportation not to exceed ten dollars per pupil per month, of any pupil or pupils in such county who attended high school for the previous school year in a high school district in this or any adjoining state.

2. The county superintendent of schools in any county mentioned in subdivision first of this section shall secure from the principal of the high school mentioned in subdivision first of this section a report on blanks furnished by the superintendent of public instruction of the State of California showing such facts as shall be outlined in such blank report. Such superintendent of schools shall present said report to the supervisors. The total cost per pupil in average daily attendance for maintaining the school shall be the amount of money necessary to be raised for paying the tuition, and also the transportation not to exceed ten dollars per pupil per month, of these pupils for the previous school year.

3. The auditor of any county mentioned in subdivision first of this section shall report to the county superintendent of schools the amount of money paid into the county high school fund from the tax levy mentioned in this section. On receiving the report from the county auditor, the superintendent of schools shall draw an order in favor of the county treasurer of the county and state in which such high school is located and shall transmit the same by registered mail to said county treasurer to be placed to the credit of the high school district educating such children together with a statement showing the names and average daily attendance of pupils whose tuition is to be paid.

4. On receiving said order from the county treasurer mentioned in subdivision third of this section, the auditor of the county in California mentioned in this section shall draw his warrant and the county treasurer shall pay the same.

5. The superintendent of schools of the county in California mentioned in subdivision first of this section on receiving a sworn statement from the parent or guardian of a pupil attending such high school showing the actual cost of transportation of said pupil not exceeding ten dollars per month shall draw an order in favor of such parent or guardian on the high school fund in payment of such transportation. The auditor shall draw his warrant on receiving such order and the treasurer shall pay the same.

CHAPTER 483.

An act repealing sections one thousand eight hundred ninety-seven, one thousand eight hundred ninety-eight, one thousand nine hundred, one thousand nine hundred one, and one thousand nine hundred two of the Political Code, relating to the military roll.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Repealed

SECTION 1. Sections one thousand eight hundred ninety-seven, one thousand eight hundred ninety-eight, one thousand eight hundred ninety-nine, one thousand nine hundred, one thousand nine hundred one, and one thousand nine hundred two of the Political Code are hereby repealed.

CHAPTER 484.

An act to amend section one thousand five hundred sixty-five of the Political Code, relating to the fees for the granting of teachers' certificates.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred sixty-five of the Political Code is hereby amended to read as follows:

Fees for
granting
teachers'
certificates.

1565. Except for a temporary certificate, or for the renewal of any certificate, every applicant for a teacher's certificate, upon presenting his application, shall pay to the county superintendent a fee of two dollars. All money so received by the county superintendent shall immediately be deposited by him in the county treasury. The county treasurer shall credit one-half of all moneys so received to a separate fund to be known as the teachers' institute fund and the other half to a fund to be known as the teachers' library fund. The teachers' institute fund may be expended in payment of the services of such instructors in the county teachers' institute as are not teachers in the public schools of the county in which such institute is held. For this purpose warrants may be drawn by the auditor upon the request of the county superintendent. The teachers' library fund may be expended, in a similar manner for the establishing of a teachers' library and for the transportation of library books, and other reading matter of the teachers' library, to and from the various schools of the county. The county superintendent may act as librarian thereof but whenever in any county there is a county library, the county superintendent may require the

county treasurer to credit all moneys payable to the teachers' library fund to the county library fund, and may transfer to the county library all books and other property belonging to the teachers' library, and thereupon the county library shall administer the teachers' library as part of itself; but all funds received from the county superintendent in accordance with this section shall be expended exclusively for the purchase and maintenance of books of professional interest to teachers.

CHAPTER 485.

An act to amend sections one thousand five hundred eighteen a and one thousand five hundred nineteen of the Political Code, relating to the powers and duties of the state board of education.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred eighteen a of the Political Code is hereby amended to read as follows:

1518a. Annually, at such time as may be determined by the rules of the board, a meeting shall be held to consider and act upon matters pertaining to the several teachers colleges of the state. To such meeting, to submit and discuss matters affecting the training and certification of teachers, and to make recommendations for the control of the training and certification of teachers, as provided in sections one thousand five hundred nineteen, and one thousand five hundred nineteen a, of the Political Code, each state teachers college may send the president of the institution, or a member of the faculty of the institution, or both. The actual and necessary expenses incurred by such officials in attending such meeting may be audited and paid in the same manner as are other bills for the maintenance of the institution concerned.

Meeting to consider state teachers' colleges.

SEC. 2. Section one thousand five hundred nineteen of the Political Code is hereby amended to read as follows:

1519. The state board of education shall have power and it shall be its duty:

Powers of state board.

First—To adopt rules and regulations not inconsistent with the laws of this state for its own government, for the government of its appointees and employees, for the government of the day and evening elementary schools, the day and evening secondary schools, the technical and vocational schools of the state, for the government of the several teachers colleges of the state as hereinafter provided, and for the government of such other schools, excepting the University of California, as may receive in whole or in part financial support from the state. Such rules and regulations shall be published for distribution as soon as practicable after adoption.

Adopt rules.

Rules for
teachers,
colleges

At the joint meeting of this board and the representatives of the teachers colleges of the state provided for in section one thousand five hundred eighteen *a* of the Political Code, matters affecting the teachers colleges may be presented by members of the board, by the superintendent of public instruction and the commissioners of education, and by the representatives of the teachers colleges, and, after due presentation and consideration, the board may adopt rules and regulations for the government of the teachers colleges in the following matters:

(a) The standardizing, as far as the board shall deem it wise and necessary, of the courses of instruction offered in the several teachers colleges for the preparation of teachers for the public schools of the state.

(b) The establishing and conducting in any or all of the teachers colleges of the state of courses for the training of teachers in any or all of the subjects for which special certificates of the elementary and the secondary grade may by law be granted.

(c) The prescribing of the use, in the grades and classes for which they are adapted, of the state series of textbooks.

(d) The prescribing of the standards of admission for students entering the state teachers colleges, and the rules for transfer of students from one teachers college to another; *provided*, that a student for good cause, may, upon recommendation of the president of the college from which he seeks to be transferred, enter any other teachers college and without examinations be admitted to classes corresponding to those in the college which he has left.

(e) The determination of the time and standards for graduation from the state teachers colleges.

(f) The prescribing of the standards for the granting of designated baccalaureate degrees by the state teachers colleges, the establishing of the standards for the maintenance of collegiate and degree-granting status by any of the state teachers colleges, and the authorizing of any state teachers college, upon its application therefor and upon proper showing that it has met the standards herein established and prescribed, to grant the baccalaureate degrees herein provided for.

Appoint
assistant
superin-
tendents
of public
instruction.

Second—To appoint three assistant superintendents of public instruction, who shall not be subject to the provisions of any civil service law of the state, and who shall be known and designated as follows:

(a) One commissioner of elementary schools, who shall be experienced in teaching in and supervising elementary schools.

(b) One commissioner of secondary schools, who shall be experienced in teaching and who has been principal or supervisor of secondary schools.

(c) One commissioner of industrial and vocational education who has had experience as a supervisor of industrial or vocational education.

Issue
subpoenas.

Third—To issue subpoenas to compel the attendance of witnesses before the board or any member thereof, in the same

manuer that any court in this state may; and whenever the testimony of any witness upon any matter pending before it is material, the president must cause the attendance of the witness before such board, or a member thereof, to testify concerning such matter, and the board may make a reasonable allowance therefor, not exceeding the fees of witnesses in civil cases, which must be paid for out of the appropriation for the contingent expenses of the board, but in no instance can an allowance be made in favor of a witness who appears in behalf of a claimant.

Fourth—To adopt and use, in authentication of their acts, Seal. an official seal.

Fifth—To have done by the state printer, or other officer Printing. having the management of the state printing, any printing required by it; *provided*, that all orders for printing shall first be approved by the state board of control.

Sixth—The state board of education shall study the educa- General duties. tional conditions and needs of the state; shall make plans for the improvement of the administration and efficiency of the public schools of the state; shall have power to conduct educational investigations and shall employ educational and business experts, within the limits of its appropriation therefor; shall annually require reports as to the activities of the superintendent of public instruction and the assistant superintendents, and such other employees as it may direct to report, for submission to the governor, and the same shall submit biennially to the governor, on or before the fifteenth day of September next preceding the regular session of the legislature, a report of its transactions for the preceding two years, together with recommendations of its needs for the coming biennium, and such recommendations as to changes in laws or new educational legislation as may seem to it to be necessary.

Seventh—To appoint an acting secretary, who shall also act Acting secretary. as executive officer of the board in the absence of the superintendent of public instruction from his office or in case of his incapacity for duty.

CHAPTER 486.

An act to amend section one thousand six hundred sixty-five of the Political Code, relating to the subjects in which instruction shall be provided in the elementary schools of the state.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand six hundred sixty-five of the Political Code is hereby amended so as to read as follows:

1665. *First*—Instructions must be given in the following branches in the several grades in which they may be required, viz: reading, writing, spelling, arithmetic, geography, lan- Subjects to be taught in elementary schools.

guage and grammar, with special reference to composition, history of the State of California, history of the United States with special reference to the history of the constitution of the United States; and the history of the reasons for the adoption of each of its provisions the duties of citizenship, together with instruction in local civil government; elements of physiology and hygiene, with special reference to the injurious effects of tobacco, alcohol and narcotics on the human system; morals and manners. In the first six grades of the elementary schools, at least two-thirds of the pupil's time during each week shall be devoted to study and recitation of the subjects hereinbefore enumerated, and in the seventh and eighth grades at least twelve and one-half hours of the pupil's time each week shall be devoted to the study and recitation of such subjects.

Time to
be given.

Subjects
for
remaining
time.

Second—From the time remaining after the study and recitations of the studies hereinbefore enumerated, at least twenty minutes of each school day must be devoted by all pupils over the age of eight years to such physical training as shall be most conducive to their proper physical development, and instruction must be given in nature study with special reference to agriculture and animal and bird life, music, drawing, elementary bookkeeping, humane education, and thrift. Manual training, household economics, and other vocational subjects may be taught in any elementary school of the state; *provided*, that in school districts employing six or more elementary school teachers in any one school, whether housed in one or more buildings, manual training and household economics must be taught. The state board of education may, in its discretion adopt textbooks in any of the subjects listed in this subdivision.

Third—No textbook, chart or other means of instruction hereafter adopted by the state, county, city, or city and county boards of education for use in the public schools of this state shall contain any matter reflecting upon citizens of the United States because of their race or color; and no teacher in giving instruction as herein provided shall reflect in any way upon citizens of the United States because of their race or color.

No
instruction
to reflect
on U. S.
citizens.

CHAPTER 487.

An act to amend sections one thousand five hundred forty-five and one thousand eight hundred fifty-nine of the Political Code, relating to the length of term in elementary school districts.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred forty-five of the Political Code is hereby amended to read as follows:

1545. He must, when there is sufficient money in the fund of any school district to maintain a free school therein for one hundred sixty days of actual teaching, if the trustees neglect or refuse to employ a teacher, appoint a teacher, and open and keep such school, and may draw his requisition upon the county auditor, who shall draw his warrant upon the fund of such district for the expense incurred. If trustees fall to employ teacher.

SEC. 2. Section one thousand eight hundred fifty-nine of the Political Code is hereby amended to read as follows:

1859. No school district, except one newly formed, is entitled to receive any apportionment of state or county school moneys which has not maintained a public school for at least one hundred sixty days of actual teaching during the next preceding school year. A district which is prevented by fire, flood, or prevailing epidemic or other extraordinary conditions from maintaining a school for the length of time designated in this section, or a district that has not been able to secure or hold a teacher, or a district in which the illness of the teacher has prevented the holding of the required number of days of school, which fact must be shown to the satisfaction of the superintendent of public instruction by the affidavits of the members of the board of school trustees and the county superintendent of schools, is nevertheless entitled to its apportionment of state and county school moneys. A school district is a newly formed district up to the close of the school year in which the district is formed. Length of term.

CHAPTER 488.

An act to provide for the establishment of classes for training in citizenship for applicants who have filed their declarations of intentions to become citizens of the United States and for other persons desiring such instruction.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Superintendent of schools to secure list of applicants for citizenship.

SECTION 1. It is hereby made the duty of the county clerk in each county, or city and county, to furnish to the superintendent of schools of the county or city and county on or before the tenth day of each month the names and addresses of all persons filing during the previous month their declarations of intention to become citizens of the United States or their petitions for naturalization.

SEC. 2. In counties in which the United States district courts are located the superintendent of schools of the county or city and county shall obtain monthly from the clerk of the United States district court the names and addresses of all persons filing their declarations of intention to become citizens of the United States or their petitions for naturalization.

Notice to applicants.

SEC. 3. It shall be the duty of the superintendent of schools of the county or city and county after obtaining the names and addresses of such applicants specified in sections one and two of this act to send a written or printed notice to said applicants stating that this act authorizes the city boards of education in cities or boards of school trustees in rural districts to establish upon application classes in training for citizenship. The form of this notice shall be furnished by the superintendent of public instruction.

Application to establish classes.

SEC. 4. Upon application of twenty-five or more persons desiring training for citizenship and residing in a high school district the high school board or the city board of education must establish special classes in training for citizenship; *provided*, that application for classes be made in time to permit the high school board or city board of education to arrange to meet the expenses of such classes. Upon demand said boards may establish such classes with a less number of applicants.

Course of study.

SEC. 5. The course of study in training for citizenship shall consist of the teaching of United States history, state and community civics, and the constitution of the United States, with special reference to those sections in the constitution which relate directly to the duties, privileges and rights of the individual, and such allied subjects, including English for foreigners or activities as shall properly prepare such applicants to understand and assume the responsibilities of citizenship.

SEC. 6. The classes provided for in section four of this act shall be held at least twice a week for three months. At the close of this period if the enrollment in any class has fallen to ten or less for the month the governing board of the district may discontinue said class for that year.

SEC. 7. Upon satisfactory evidence that any school district required to do so has failed to establish and maintain classes in training for citizenship as provided for in this act, the superintendent of public instruction and county superintendent of schools may withhold five per cent of state and county apportionments until said district has complied with the provisions of this act.

CHAPTER 489.

An act to amend section nine hundred twenty of the Political Code, relating to contracts made by officers.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section nine hundred twenty of the Political Code is hereby amended to read as follows:

920. Members of the legislature, state, county, city, and township officers, must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members; *provided*, that when traveling expenses are allowed by law to any such officer, he may contract with the appropriate authorities for an allowance or mileage rate for the use of vehicles owned or rented and used by him in the performance of duty, in lieu of the usual transportation charges.

CHAPTER 490.

An act to amend section four thousand two hundred seventy-seven of the Political Code, relating to salaries and fees of officers in counties of the forty-eighth class.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-seven of the Political Code is hereby amended to read as follows:

4277. In counties of the forty-eighth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

County
clerk.

1. The county clerk, one thousand five hundred dollars per annum and such fees for services in naturalization proceedings as by the act of congress, in such case made and provided, it is said he may retain; and also such other fees as he may be allowed by the law of this state to retain; *and provided*, that in each year when a new registration is required he shall receive in addition to his salary the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the county clerk a deputy, who shall be appointed by the county clerk, who shall be paid a salary of one hundred twenty-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid. The provisions of this subsection do not increase the compensation of the county officer and shall take effect immediately.

Sheriff.

2. The sheriff, four thousand two hundred dollars per annum, and mileage for the service of papers or process served by him in all civil cases from any court, also necessary expenses for pursuing criminals or transacting any criminal business. The provisions of this section do not increase the compensation of a county officer and shall take immediate effect.

Recorder.

3. The recorder, one thousand eight hundred dollars per annum, and all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California and also the sum of twenty-five dollars, per annum for preparing the abstract of mortgages for use of the county assessor as required by law; *provided*, that in counties of this class the recorder may appoint a copyist for service in his office which office of copyist for the county recorder is hereby created and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Auditor.

4. The auditor, nine hundred dollars per annum and five per cent on all amounts found to have been paid out by the county for state aid as per his report as contemplated by section 4099a of the Political Code of this state or other law providing for such compensation.

Treasurer.

5. The treasurer, one thousand eight hundred dollars per annum; *and provided, further*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him in accordance with the law.

Tax
collector.

6. The tax collector, five hundred dollars per annum and ten per cent on all licenses collected by him as license collector.

7. The assessor, three thousand five hundred dollars per annum and such fees as are now or may hereafter be allowed by law. Assessor.

8. The district attorney, one thousand eight hundred dollars per annum and all traveling expenses in criminal matters or county business. District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, one thousand eight hundred dollars per annum and actual traveling expenses when visiting the schools of his county and also the sum of five dollars per day for his services as secretary of the board of education for the actual time that the board may be in session. Superintendent of schools.

12. The surveyor, such fees as are now or may hereafter be allowed by law. Surveyor.

13. Justices of the peace who shall have their office at the county seat shall receive a salary of seventy-five dollars per month. The justice of the peace whose office is at Georgetown in the township of Georgetown shall receive a salary of twenty dollars per month. The justices of the peace who may be elected to office in El Dorado in the township of Mud Springs, Kelsey, Lake Valley, Cosumnes, Mountain, White Oak, Diamond Springs, Coloma, Salmon Falls and Greenwood townships shall each receive a salary of one dollar per month; which said salaries shall be in full compensation for all services of every kind and description rendered by them whether civil or criminal; such salaries shall be payable in like manner and out of the same funds and at the same times as the salaries of county officers are paid; all fees payable under the law to such justices of the peace shall be turned over to the county with verified statements of fees so received, in like manner and at like times as required of county officers. Justices of the peace.

14. Each constable shall receive the following fees: For serving all summons in civil cases, for each defendant, including the copy required by law, one dollar. Constables

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For subpoenaing each witness twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required, two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like service.

Supervisors.

15. Each member of the board of supervisors, nine hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio or as overseer or commissioner not to exceed three hundred dollars in any one year.

Board of education.

16. Each member of the board of education, whether appointed or ex officio, shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board.

Said compensation of the members of said board shall be paid out of the same funds as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named in the same manner as other claims against the county are allowed.

The compensation of the members of the county board of education herein provided for is not in addition to that provided in section one thousand seven hundred seventy of this code.

Juror's fees.

17. In the superior court juror's fees, and witness fees in criminal cases shall be as follows:

For attending as a grand juror, for each day's actual attendance per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, per day three dollars, and fifteen cents per mile for each mile actually traveled in going only,

and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attendance as a witness in criminal cases, for each day's actual attendance the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however,* that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court by the witness, that the same are necessary for the expense of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 491.

An act to add a new section to the Political Code, to be numbered section one thousand six hundred seventeen e, relating to contracts between elementary school districts for the education of children.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered one thousand six hundred seventeen e, is hereby added to the Political Code, to read as follows:

1617e. The trustees of any elementary school district when authorized by a majority vote of their district at a district meeting called for the purpose, may enter into a contract, subject to the provisions of this section, with any other elementary school district of the county for the education of the children of the district so voting.

Contracts between elementary school districts for education of children.

The trustees of the elementary school district whose children are to be educated, as herein provided, by another elementary school district shall within thirty days after each apportionment of school moneys during the life of such contract, draw a warrant for such proportion of such apportionment as may have been agreed upon in such contract, on the funds of their district in favor of the district providing for the education of such children. When such funds are transferred as herein

provided, the trustees of the school district contracting to furnish education for such children shall handle and expend such funds in the same manner as provided by law for the handling and expending of other funds of the district; *provided*, that all state school moneys and sixty per cent of all county moneys so transferred shall be set aside to the credit of the teachers' salary fund of the district furnishing education for such children, and all remaining county funds transferred as herein provided may be used for the purpose of providing for the transportation of such children and such other purposes as the board of trustees contracting to furnish education for such children shall determine, subject to the provisions of law.

Revocation
of contract.

Such contract may be revoked by a majority vote of either board of trustees; *provided*, that the board of trustees of the district contracting to have its children educated as herein provided shall revoke such contract only when authorized so to do by a majority vote of their district at a special district meeting called for that purpose. Such contract shall be in effect from the first day of July following the date of the contract and shall remain in effect until the end of the year in which the contract is revoked.

CHAPTER 492.

An act to amend section four thousand two hundred eighty-three of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-fourth class.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred eighty-three of the Political Code is hereby amended to read as follows:

Counties of
54th class,
salaries of
officers.

4283. In counties of the fifty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

County
clerk.

1. The county clerk two thousand four hundred dollars per annum. In counties of this class the county clerk is hereby allowed in addition to his salary, each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county. Said county clerk is hereby allowed one deputy whose salary shall be paid by said county clerk.

2. The sheriff, two thousand one hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed one deputy who shall be appointed by the sheriff and be paid a salary of seventy-five dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the sheriff is paid. Sheriff.

3. The recorder, nine hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, which office of copyist to the recorder is hereby created, and which copyist shall be appointed by the recorder and be paid the salary of seventy-five dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of the recorder is paid; *and provided, further*, that from the time and in the event that said office of recorder is consolidated with that of auditor, the holder of the said consolidated office of recorder and auditor shall receive a salary of two thousand five hundred twenty dollars per annum, and said auditor and recorder shall pay his own deputy or copyist. Recorder.

4. The auditor, ten hundred twenty dollars per annum; *provided*, that he shall receive the sum of no dollars per year from the time and in the event that said office is consolidated with that of recorder. Auditor.

5. The treasurer, one thousand eight hundred dollars per annum. Treasurer.

6. The tax collector, one thousand five hundred dollars per annum and there is hereby allowed one deputy for three months of each year at a salary of seventy-five dollars per month to be paid out of the salary fund of said county. Tax collector.

7. The assessor, twelve hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy who shall be appointed by the assessor and be paid a salary of fifty dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the assessor is paid. Assessor.

8. The district attorney, one thousand five hundred dollars per annum and such fees as are now or may hereafter be paid to that officer. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy who shall be appointed by the superintendent of schools and shall be paid a salary of thirty-five dollars per month, said salary to be paid by said county monthly at the Superintendent of schools.

same time and manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Classification of townships.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships in counties of this class are hereby classified according to their population as follows:

Townships having a population of one thousand or more shall belong to and be known as townships of the first class. Townships having a population of less than one thousand shall belong to and be known as townships of the second class.

The population of the several townships shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last federal census taken during the year 1920.

Justices of the peace shall receive the following salaries:

Justices of the peace

In townships of the first class the sum of three hundred dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of three hundred dollars per annum;

In townships of the second class the sum of one hundred eighty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of various townships in such counties, the codes of the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables.

14. Constables, such fees as are now or may be hereafter allowed by law.

Supervisors.

15. Each member of the board of supervisors, nine hundred dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board.

Reporter.

16. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court and for preliminary examinations in justices' courts and the coroners' inquests, a monthly salary not to exceed one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers; and for transcription of said notes when required he shall receive the sum of ten cents per folio for the original and five cents

per folio for the copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party or jointly by both parties as the court may direct.

17. The fees of grand jurors and trial jurors in the superior courts of said counties of this class in civil and criminal cases, shall be three dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for. Juror fees.

CHAPTER 493.

An act to amend section four thousand two hundred sixty-two of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-third class.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-two of the Political Code is hereby amended to read as follows:

4262. In counties of the thirty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: (Counties of 3rd class, salaries of officers.)

1. The county clerk, three thousand five hundred dollars per annum and such fees as are now or may be hereafter allowed by law; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk, one clerk, which office is hereby created, at a salary of one hundred dollars per month and who shall be appointed by the county clerk. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid. (County clerk.)

2. The sheriff, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the sheriff, one clerk, which office is hereby created, (Sheriff.)

at a salary of one hundred dollars per month and who shall be appointed by the sheriff. The salary of said clerk to be paid in the same manner and at the same time as the salaries of other county officers are paid.

Recorder. 3. The recorder, three thousand five hundred dollars per annum.

Auditor. 4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the auditor one clerk, which office is hereby created, at a salary of one hundred dollars per month, and who shall be appointed by the auditor. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer. 5. The treasurer, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one clerk, which office is hereby created, at a salary of seventy-five dollars per month and who shall be appointed by the treasurer. The salary of said clerk to be paid in the same manner and at the same time as the salaries of other county officers are paid.

Tax collector. 6. The tax collector, two thousand dollars per annum; *provided*, he shall have power to appoint one deputy at a salary of seventy-five dollars per month, payable at the same time and in the same manner as that of other county officers; *and provided, further*, that in counties of this class all the fees and commissions of every name and nature received by the tax collector shall be paid into the county treasury.

Assessor. 7. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the assessor one clerk, which office is hereby created, at a salary of one hundred dollars per month, and who shall be appointed by the assessor. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner, and out of the same fund as the salary of the assessor is paid. The assessor may also appoint five field clerks, which offices of field clerk are hereby created, to serve not exceeding sixty days in any one year, and said field clerks shall receive as compensation for all services performed as such, the sum of five dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury in the same manner, at the same time and out of the same fund as the salaries of the county officers are paid; *provided*, that each field deputy, when so employed, shall file with the auditor a statement verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in the duties of such employment during the period covered by said statement, before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on

personal property, for services in making out the roll of persons subject to military duty, and all other fees and commissions shall be collected by the assessor and by him paid into the county treasury and no part shall be retained by him as part of his compensation.

8. The district attorney, two thousand four hundred dollars per annum, and he is hereby allowed in addition thereto one clerk to be appointed by him, who shall receive nine hundred dollars per annum, said salary to be paid in the same manner, at the same time, and out of the same fund as the salaries of other county officers are paid. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting schools of his county, and such per diem as he may be now or hereafter allowed by law for his services on the board of education; *provided*, that in counties of this class there is allowed to the superintendent of schools one clerk, which office of clerk is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the superintendent of schools. The salary of said clerk is to be paid at the same time, in the same manner, and out of the same fund as the salaries of the other county officers are paid. Superintendent of schools

12. The county surveyor, two thousand seven hundred fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor one deputy, who shall be appointed by the surveyor of said county, and shall be paid a salary of one thousand five hundred dollars per annum; the salary of such surveyor shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. The county surveyor shall make all maps, plats and block books required by the county assessor; he shall do all work for the county in which the county employs a surveyor or civil engineer; he shall have general advisory supervision over all road and bridge work for the county and shall file annually with the board of supervisors a statement, which shall be published as a part of the proceedings of said board, showing the cost of all new road and bridge construction in the county, also the cost per mile of maintaining the different roads of the county for the preceding fiscal year; *and provided, further*, that when in the judgment of the board of supervisors of the county it is necessary to employ additional assistants for the performance of any of said work, the board of supervisors shall allow the necessary actual expense thereof; *and provided, further*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field; the salary of the deputy herein provided for shall be Surveyor.

paid by said county in monthly installments at the same time and in the same manner and out of the same fund as other county officers are paid. The salary herein fixed for said surveyor shall be in lieu of all fees, commissions or compensation of whatsoever kind or nature for services performed by said surveyor for said county. All acts or parts of acts relative to such fees, commissions or compensation for work performed for counties of this class by such county surveyor are hereby repealed.

Justices of
the peace

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases: in townships where the population is three thousand five hundred, or more, seventy-five dollars per month, and said justice of the peace shall be furnished with offices and necessary supplies by the board of supervisors of said county; in townships where the population is two thousand five hundred, or more, and less than three thousand five hundred, fifty dollars per month; in townships where the population is one thousand five hundred, or more, and less than two thousand five hundred, thirty-five dollars per month; in townships where the population is one thousand, or more, and less than one thousand five hundred, twenty-five dollars per month; in townships where the population is less than one thousand, fifteen dollars per month; *provided*, that all fees and fines chargeable and collectible by justices of the peace in civil and criminal cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; *provided, further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by the board of supervisors, by multiplying the number of registered voters at the last general election of each township by three.

Constables.

14. Constables, in townships having a population of two thousand, or more, shall receive a monthly salary of fifty dollars per month; in townships having a population of one thousand or less than two thousand, shall receive a salary of forty dollars per month and in townships having a population of less than one thousand shall receive a salary of twenty dollars per month. Constables shall also receive actual traveling expenses in transporting prisoners to the county jail. The salaries of township officers, herein provided for, shall be paid monthly, in the same manner as the salaries of the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases.

Supervisors.

15. The meetings of the board of supervisors shall be monthly and shall be held on the first Monday of each and every month. Each member of the board of supervisors is to receive a salary of one thousand two hundred dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat.

16. Grand jurors and trial jurors in the superior court shall receive from each day's attendance per day the sum of three dollars. In justices' courts in civil and criminal cases, the jurors sworn to try the case shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from his residence to the place of service the sum of fifteen cents per mile; *provided*, that in justice courts mileage shall be allowed only to those sworn to try the case. Jurors' fees.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 494.

An act to add a new section to be known as nine a thirty-three to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a thirty-three, and to read as follows:

Sec. 9a33. In counties of the thirty-third class the salary of the county librarian shall be one thousand eight hundred dollars per annum. Counties of 33d class, salary of librarian.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 495.

An act to provide for the organization of junior college districts and for the maintenance of junior colleges therein.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Establishment of junior colleges.

SECTION 1. Junior colleges may be established as a part of the secondary school system of this state and junior college districts formed and organized in accordance with the provisions of this act. Whenever any junior college district is so formed and organized, the governing body thereof shall establish and maintain one or more junior colleges therein.

Types of colleges.

SEC. 2. The types of junior colleges authorized under this act shall be as follows:

District.

(1) The district junior college organized in any high school district having a total average daily attendance of four hundred pupils or more in the high schools of such district as shown by the principals' reports of the preceding school year, and an assessed valuation of at least ten million dollars as shown by the last equalized assessment roll. A district maintaining a junior college of this type shall be known as a junior college district. Such district shall bear the name of the high school district in which it is organized.

Union.

(2) The union junior college maintained in a junior college district organized so as to include two or more contiguous high school districts in the same county having a total average daily attendance of four hundred pupils or more in the high schools of such districts as shown by the principals' reports of the preceding school year, and an assessed valuation of at least ten million dollars as shown by the last equalized assessment roll. A district maintaining a junior college of this type shall be known as a union junior college district. The name of such union junior college district shall be specified in the petition for its organization.

County

(3) The county junior college maintained in a junior college district embracing all territory of the county not included in a junior college or union junior college district and having a total average daily attendance of four hundred pupils or more in the high schools of such district as shown by the principals' reports of the preceding school year. A district maintaining a junior college of this type shall be known as a county junior college district and shall bear the name of the county in which it is organized.

Petition for formation of junior college district.

SEC. 3. Whenever five hundred or more qualified electors residing in any proposed junior college district shall unite in a petition to the county superintendent of schools asking for the formation of a junior college district of the type and name specified in the petition, and whenever such petition shall be accompanied by a separate petition signed by a majority of

the high school board in each high school district proposed to be included in such junior college district, such superintendent of schools, after verifying the signatures to said petitions and satisfying himself that the signatures are sufficient shall transmit the same to the state board of education for approval. If the state board of education shall approve the petition, he shall submit the question for determination at an election as hereinafter provided.

In case the proposed district is a county junior college district, he shall transmit the petition to the board of supervisors of the county. Upon receipt of such petition, the board of supervisors must submit the question of establishing such junior college district to the qualified electors of the county at the next general election held therein or at a special election to be called for that purpose by the board of supervisors. If a special election is called, notice thereof must be given by publication in some newspaper of general circulation published in the county, for at least two weeks before the election. The ballots used at such election shall contain the words "County junior college district—Yes." and "County junior college district—No." and voters shall express their choice by marking a cross with pencil, ink or rubber stamp after the answer they desire to give. Said special election shall be conducted in the manner prescribed by this code for conducting special elections. The electors of any junior college or union junior college district existing in such county at the time of the submission of said proposition, shall be excluded from voting upon said proposition, unless, in addition to the petition above mentioned, there was also presented to said board of supervisors the petition of two-thirds of the qualified electors residing in such junior college or union junior college district; in which case the electors of the junior college or union junior college district or districts from which such petitions are presented, shall also be entitled to vote upon said proposition. If a majority of all votes cast upon the question of establishing a county junior college district are in the affirmative, the board of supervisors shall make an order declaring the county junior college district established and shall also declare the junior college or union junior district or districts which participated in such election, upon the petitions hereinbefore required, to be lapsed, and the property of such lapsed junior college or union junior college district shall be held or sold by the board of supervisors for the benefit of the county junior college district. The order of the board in regard to such lapsed districts shall be entered by the county clerk in his record of school districts.

In case the proposed district is a union junior college district or a junior college district coterminous with a high school district, he shall call an election to be held in every elementary school district in the proposed junior college district at the same time that the next annual election for school trustee is held, and the officers of the elec-

tion for school trustee shall conduct the election herein provided for. In city school districts where school trustees are not elected on the last Friday in March, the county superintendent of schools shall divide such city school district into precincts and appoint three qualified electors in each precinct to conduct the election therein. Said election shall be held separately and simultaneously at a public schoolhouse in each elementary school district or in each precinct and shall be called by posting notices thereof in three public places in each district, one of which places shall be a public schoolhouse thereof, at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published at least as often as once a week in said proposed junior college or union junior college district, the first publication to be not less than two weeks before the election. Said notice shall specify the polling places, and in cities, the precinct lines. The expenses of printing notices and ballots shall be paid by the board of supervisors out of the county general fund. Said election shall be conducted in the manner provided by law for conducting elections of school trustees. The ballots used at such election in each district shall contain the words "Junior college district—Yes," and "Junior college district—No," or in case of a union junior college district, "Union junior college district—Yes," and "Union junior college district—No," and electors voting at such election shall make a cross with pencil, ink or rubber stamp, after the answer they desire to give. It shall be the duty of the said election officers in each district or precinct to canvass the vote at said election as soon as the polls are closed, and report the result to the superintendent of schools within five days subsequent to the holding of said election. Within ten days after receiving the returns of said election, the superintendent of schools shall combine the votes "for" and "against" the formation of the junior college or union junior college district and declare and record the result, with the details of the vote in each district, in a book kept by him for that purpose. If a majority of the votes cast at the election are in favor of the formation of the junior college or union junior college district, he shall also file, with the county clerk of the county, a certificate showing the total number of votes cast in each district in favor of the junior college or union junior college district, the total number of votes in each district against the junior college or union junior college district, the aggregate result of said election and the boundaries of said proposed district. If it shall appear from such certificate that a majority of the votes cast at such election were in favor of the formation of such district, such junior college or union junior college district shall be deemed to be formed from the time of the filing thereof, and the county clerk shall record said certificate in full in his record of school districts.

Majority
vote.

Junior
college
board.

SEC. 4. In every junior college district coterminous with a single high school district, of any type, the high school board

of such high school district shall constitute the junior college board and after organizing as a junior college board shall have the management and control of the junior college in said district. In every union or county junior college district, the junior college board shall be composed of five members elected at large from the district for a term of three years except as hereinafter provided.

When any county or union junior college district is formed, ^{Election.} the county superintendent of schools shall, on the first Friday in May, call an election in said county or union junior college district for the purpose of electing a junior college board. Such election shall be held at the schoolhouse of each school district in the junior college district, and such superintendent of schools shall appoint the same number of officers of election for each school district, and give the same notices of election as are required for the election of school trustees, and the election shall be held in the same manner as are elections of school trustees, except that the returns shall be at once sent to such superintendent of schools, and he shall canvass the same and issue certificates of election to the persons elected. One member shall be elected to hold office from the day of ^{Term.} receiving his certificate of election until the first day of May, next succeeding; two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the second succeeding May; and two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the third succeeding May. Thereafter their successors shall be elected as provided for in section five of this act. Within twenty days after said election the superintendent of schools shall call a meeting of the junior college board, by giving at least ten days' notice by registered mail to each member thereof, for the purpose of organizing the junior college board. At such meeting the junior college board shall organize by electing a president ^{Officers.} from their own number and a secretary, and may transact any other business relating to the affairs of the junior college district.

SEC. 5. The regular annual election of members of the junior ^{Annual election of members.} college board in county and union junior college districts shall be held at the same time as the regular annual election of school trustees. Said election shall be called by the junior college board, who shall for that purpose designate a polling place in each of the school districts composing the junior college district, at one of the schoolhouses thereof, at which the electors of such school district shall vote. The junior college board shall give the same notice of said election and appoint the same number of election officers in each school district, as are required for the election of school trustees, and said election shall be held in the same manner as are elections of school trustees, except that the returns thereof shall be at once sent to the junior college board, who shall meet at the junior college building on the seventh day thereafter at two o'clock p.m.,

and canvass said returns and issue certificates of election to the persons elected and file duplicates thereof with the superintendent of schools having jurisdiction over such junior college district. As each member's term expires his successor shall be elected in like manner for the term of three years and until his successor shall be elected or appointed and qualified. Vacancies on the board shall be filled by appointment by the superintendent of schools having jurisdiction over the junior college district, the appointee to hold office for the remainder of the unexpired term.

Suspension
of junior
college.

SEC. 6. When the average daily attendance of students in any junior college district during the whole of any school year after the second school year shall be seventy-five, or less than seventy-five, the superintendent of schools having jurisdiction over such junior college district shall suspend the junior college in said junior college district, and shall report the fact to the board of supervisors of his county. Upon receiving such report from the superintendent of schools, the board of supervisors shall declare the junior college district lapsed, and shall cause the property thereof to be sold. All moneys received from the sale of the property of the junior college district, and all moneys in the treasury to the credit of said junior college district, shall be distributed by the superintendent of schools to the high school districts composing the junior college districts, in proportion to the assessed valuation of property in said districts, according to the last completed county assessment rolls.

Meetings
of board.

SEC. 7. Junior college boards shall meet on the first Saturday in May of each year at eleven o'clock a.m., and organize by electing a president from their own number, and a secretary. Every junior college board shall hold regular monthly meetings at such times as may be provided in the rules and regulations adopted by them for their own government; *provided*, that in union or county junior college districts the regular meetings as above provided may be quarterly. Special meetings may be held at the call of the president of the board or upon a call issued in writing and signed by a majority of the members of the board. The date set for special meetings shall be at least two full days subsequent to the completion of the call; and no business shall be transacted other than that specified in said call; *provided*, that by unanimous consent a special meeting may be convened at any time and by unanimous consent, any business matter may be transacted at any special meeting. All meetings of the junior college board shall be held at the junior college building; *provided*, that if no junior college building exists in the junior college district, or if the junior college district consists of a single high school district, the junior college board may meet at such place in the junior college district as it may by resolution determine.

SEC. 8. Except as otherwise provided in this act, the powers and duties of the junior college board shall be such as are now or may hereafter be assigned by law to high school boards. Powers of board

SEC. 9. The junior college board may prescribe junior college courses of study, including not more than two years of work, and admit thereto the graduates of any high school of California, the graduates of other high schools and such other candidates over eighteen years of age as may be recommended for admission by the principal of the junior college; Courses of study and students. *provided*, that students who are not residents of the junior college district or of the same or an adjoining county shall be admitted to the junior college only upon payment of a tuition fee to be fixed by the junior college board. Junior colleges may provide courses of instruction designed to prepare for higher institutions of learning; courses of instruction designed to prepare persons for agricultural, industrial, commercial, homemaking, and other vocations; and such courses of instruction as may be deemed necessary to provide for the civic and liberal education of the citizens of the community.

The junior college board shall adopt regulations governing the organization of such courses of study and shall prescribe requirements for graduation from such courses; *provided*, that the minimum requirement for graduation from junior college courses of study shall be at least sixty credit-hours of work. A credit-hour is hereby defined as approximately three hours of recitation, study and laboratory work per week carried through one half-year.

All courses of study prescribed in accordance with this section shall be subject to approval by the state board of education, and no state funds shall be apportioned to any junior college district on account of the attendance of students enrolled in junior college courses, unless such courses have been approved by the state board of education. Approval of courses by state board.

SEC. 10. The attendance of students enrolled in the junior college shall be kept according to regulations prescribed by the state board of education. Attendance record.

The principal of every junior college shall annually, at the close of the term and prior to receiving his last month's salary and as a prerequisite for such salary, make out under oath and deliver to the superintendent of schools of the county a full and complete report of said junior college for the entire term or school year. Such report shall show the total number of students enrolled during the year, the average daily attendance, the number of teachers regularly employed, the total number of new pupils enrolled during the year, the names of all pupils residing in school districts not embraced in any junior college district and attending such junior college, such names being segregated according to the districts in which such pupils reside, and such other information as may be required by the superintendent of public instruction or the county superintendent of schools. Report by principal

The said report shall be made upon blanks furnished by said superintendent of public instruction, as other school report blanks are furnished.

Report of superintendent of schools.

Every superintendent of schools, who has jurisdiction over a junior college district shall annually, at the time required for making reports of high schools, make report under oath to the superintendent of public instruction, showing the number of students enrolled, average daily attendance, number of teachers regularly employed, and such other information regarding the junior colleges of his county as he may deem proper, or as may be required by the superintendent of public instruction; said report to be made upon blanks furnished by the superintendent of public instruction.

Estimate of cost for buildings and grounds.

SEC. 11. It shall be the duty of every junior college board to make and file with the board of supervisors, on or before the first Monday of September next succeeding the formation of said district, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications and erecting a suitable building, of supplying the same with furniture and necessary apparatus, and of fencing and ornamenting the grounds, for the accommodation of the junior college, unless such junior college board shall have secured or leased temporary quarters or made other satisfactory arrangements for quarters for the use of such junior college, or unless bonds shall have been voted for said purposes. If such junior college board shall have secured or leased such temporary quarters or made other satisfactory arrangements for quarters, they shall, on or before the first Monday of September next before the termination of such lease or arrangement, either make another arrangement for temporary quarters, or make and file with the board, or boards of supervisors as aforesaid, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and of erecting a suitable building, of supplying the same with furniture and necessary apparatus, and of fencing and ornamenting the grounds for the accommodation of the junior college, or for making additions or improvements to such buildings when once erected, or for buying new or additional furniture, or for the purchase of additional school grounds, or for providing any other school facilities, unless bonds shall have been voted for said purposes. Should the junior college board, of any junior college district, fail to make the estimate provided for in this section, it shall be the duty of the superintendent of schools of such county to make and file such estimate on or before the second Monday of September.

Estimate of amount for maintenance.

SEC. 12. It shall be the duty of every junior college board to make and file with the county superintendent of schools at least fifteen days before the first day of the month in which the board of supervisors is required by law to levy the taxes required for county purposes, an estimate of the amount of money required for maintaining the junior college in said district for the current school year, including rent or construction of temporary quarters, if any, or additions to the plant

already constructed. Such estimate shall be itemized according to items required in the annual report to the superintendent of public instruction. Whenever the amount estimated for any item exceeds by ten per cent or more the amount expended for said item during the preceding school year, a written statement showing the reason for such increase must be submitted with said estimate. The first such estimate after the formation of any junior college district shall also include, if temporary quarters have been secured for the junior college, the amount of money required to provide the necessary furniture and apparatus for such temporary quarters. Should any junior college board fail to make the estimate provided for in this section, it shall be the duty of the superintendent of schools of the county to make such estimate.

Whenever such estimate has been submitted to the county superintendent of schools, he shall have power to revise said estimate or any item thereof. Said estimate as revised and approved by the county superintendent of schools, shall thereupon become the estimate of said junior college district and shall be submitted to the board of supervisors as a basis for levying the special tax for maintenance of said junior college, as provided in section thirteen of this act. It is hereby made the duty of the county superintendent of schools to submit said estimate to the board of supervisors and to the county auditor at the time he submits to them his estimate for the county school tax for the ensuing school year and he shall submit therewith a statement showing the amount expended by such junior college district for each item of said estimate, during the preceding school year.

SEC. 13. The board of supervisors with whom any estimate is filed under the provision of section eleven or section twelve of this act, must at the time of making the tax levy for the year for county purposes, levy a special tax on all the taxable property in such junior college district, sufficient in amount to carry out the purposes legally specified in the said estimate. Said tax shall be entered upon the assessment roll, and collected, in the same manner as other school taxes are entered, and collected, and when collected shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over the junior college district in behalf of which the same were levied.

Should any board of supervisors with whom such estimate is filed fail to levy the tax as required by this section, it shall be the duty of the auditor of their county to make such levy.

SEC. 14. All taxes levied and collected under the provisions of section thirteen of this act shall be placed by the county treasurer receiving the same in a special fund to the credit of the junior college district for which the same were levied, and used only for the purposes for which the same were levied; and all moneys apportioned to any junior college district from the state shall be placed by the county treasurer receiving the same in the special fund of the junior college district to which

Approval by
superintendent
of schools.

Levy of
tax.

Junior
college
district
funds.

the same is apportioned. Junior college district funds shall be paid out upon the order of the junior college board, or of the executive committee when such committee is authorized to draw the same, signed by the president and clerk of the junior college board. Such orders shall be drawn and itemized, and presented to, and acted upon by, the superintendent of schools having jurisdiction over such junior college district and the auditor of his county, in the same manner, as the orders of boards of school trustees of school districts. State moneys apportioned to any junior college district shall be used only for the payment of teachers' salaries.

Cost of
educating
pupils
not in
district.

SEC. 15. Not later than the first Monday in September of each year the superintendent of schools of each county in which there is not a county junior college shall certify to the board of supervisors and to the county auditor of such county, the total net cost, less state aid for educating during the next preceding school year all junior college pupils residing in such county and not in any junior college district, and the estimated amount needed for that purpose for the current year.

Tax levy

The board of supervisors with whom such certificate is filed must, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any junior college district, sufficient in amount to defray the net cost, for the current year, of educating all junior college students residing in such county and not in any junior college district. If it shall appear by the report of the superintendent of schools that students residing in one are attending junior college in an adjoining county, the supervisors of the county in which said students live shall levy a tax as is provided by this section to pay the cost of educating such students. If the board of supervisors fail to make such tax levy the auditor of the county must make the same. Said tax when collected shall be paid into the county treasury and placed in a fund to be known as the junior college tuition fund. The auditor shall not later than the last Monday in December and the last Monday in May of each year notify the superintendent of schools of the amount in such fund, and the superintendent of schools shall thereupon apportion the same to the several junior college districts in his county or in adjoining counties as provided above, in proportion to the total net cost to each of said districts of educating junior college students who reside in his county but not in any junior college district, as shown in his report for the preceding school year compiled as directed by law, and certify such apportionment to the auditor. The amount so apportioned to each junior college district shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over such junior college district, to the credit of the special fund thereof, and shall be used to maintain the junior college, and paid out in the same manner as other junior college funds.

The superintendent of schools of a county having junior college pupils attending junior college in an adjoining county shall draw his order on the county auditor in favor of the superintendent of schools of the county in which such students attend junior college for any money belonging to any junior college outside of his county as provided in this section. The county auditor of said county shall draw his warrant as directed by the superintendent of schools and the county treasurer shall pay the same. A superintendent of schools in whose favor such order is drawn shall pay the amount of said money into the county treasury to the credit of the junior colleges educating the students from the county paying such money.

SEC. 16. The state board of education shall have power and it shall be its duty to adopt rules and regulations fixing the minimum standards entitling junior colleges to state aid, and shall annually investigate each junior college to determine whether it has met such standards. Standards for state aid

SEC. 17. Nothing in this act shall be construed as repealing section one thousand seven hundred fifty b of the Political Code. Pol. C. §1774b not repealed. 29 4-10-11

SEC. 18. The governing board of any junior college, or of the junior college department of any high school or of any teacher's college, may enter into an arrangement of affiliation with the University of California to provide that the courses in such junior college whose purpose is to prepare for advanced university standing shall be visited, inspected and accredited by said university, and that the qualifications of teachers in such courses shall be as recommended by said university. Such arrangement of affiliation may include such other matters as may be mutually advantageous, and as may be approved by the state board of education. Affiliation with University of California.

SEC. 19. The governing board of any junior college, or of the junior college department of any high school, may contract with the governing authorities of any state normal school or teachers' college, for the maintenance by such normal school or teachers' college, of junior college courses of instruction for the benefit of students living in such junior college or high school district and desiring junior college courses, and for such service may make such payments to such normal school or teachers' college as may be agreed upon. The attendance of students upon such junior college courses maintained by a normal school or teachers' college shall be returned and credited to the junior college or high school district as the case may be and counted in making state and county apportionments in the same manner as if such junior college courses were maintained by the governing board of such junior college or high school. Junior college courses in teachers' colleges.

CHAPTER 496.

An act appropriating money for the purpose of refunding to real estate brokers and salesmen the amounts collected by the State of California under the provisions of chapter seven hundred fifty-eight, statutes of 1917, which chapter was declared unconstitutional by the supreme court, and making provision for the disbursement of the money so appropriated.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Appropriation.
refund to
real
estate
brokers and
salesmen.

SECTION 1. The sum of thirteen thousand three hundred eighty-two dollars and thirty-four cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, and made available for the refunding of license fees collected under the provisions of chapter seven hundred fifty-eight, statutes of 1917, which chapter was declared unconstitutional by the supreme court.

SEC. 2. The state controller shall draw his warrant on the state treasurer in favor of the state real estate commissioner for the amount hereby appropriated, and the treasurer shall pay the same. The state real estate commissioner shall mail his check to each real estate broker and salesman of-record, and the cancelled checks shall be sufficient voucher for the payment of the claims of the several persons for whose benefit this appropriation is made.

CHAPTER 497.

An act to amend section fourteen of an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties and forfeitures for noncompliance," approved May 10, 1915, as amended, relating to the terms and conditions upon which corporations may transact business in this state.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 378,
amended.

SECTION 1. Section fourteen of an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties for forfeitures for noncompliance," approved May 10, 1915, as amended, is hereby amended to read as follows:

restoration
of right to
do
business.

Sec. 14. Any corporation which has heretofore failed to pay any license tax and penalty imposed under the provisions of chapter three hundred eighty-six statutes 1905 and amend-

ments thereof or under chapter one hundred ninety statutes of 1915, and for such nonpayment suffered a forfeiture of the charter of such corporation or of the right to do business in this state may be relieved of such forfeiture or may be restored to its right to do business in this state upon making application therefor in writing and paying the license tax and penalties prescribed by said act for nonpayment of which such forfeiture occurred. Application for restoration under the provisions of this section may be made by any stockholder or creditor of such corporation or by a majority of the surviving trustees or directors of such corporation and the same shall be filed with the state controller. Upon payment of the moneys due the state under the provisions of said act for the one year in which such forfeiture occurred together with any taxes levied in such year under subdivision (d) of section fourteen, article thirteen of the constitution by the state board of equalization, and the license tax due under the provisions of this act, the state controller shall issue a certificate of revivor to such corporation and thereupon such corporation is revived and its powers restored to full force and effect.

The revivor of a corporation, under the provisions of this section, shall be without prejudice to any action or proceeding, defense or right, which has occurred by reason of the original forfeiture.

In case the name of any corporation which has suffered the forfeiture prescribed by either of said acts first in this section above mentioned, has been adopted by any other corporation since the date of said forfeiture, or in case any corporation has adopted subsequent to such forfeiture any name so closely resembling the name of such reviving corporation as will tend to deceive, then such reviving corporation shall be entitled to a certificate of revivor pursuant to the terms of this section only upon the adoption by such corporation seeking revivor of a new name, and in such case nothing in this section contained shall be construed as permitting such reviving corporation to carry on any business under its former name. Such reviving corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state, and upon the issuing of a certificate to such corporation by the secretary of state setting forth the right of such corporation to take such new name or use its former name as the case may be. The secretary of state shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this state and which has not suffered a forfeiture under either of the acts in this section first above mentioned, or to take or use a name so closely resembling the name of any corporation heretofore organized in this state as will tend to deceive.

The provisions of title nine, part three of the Code of Civil Procedure, in so far as they conflict with this section of this act are not applicable to corporations seeking revivor under this act.

CHAPTER 498.

An act to amend section three thousand six hundred sixty-nine d of the Political Code, relating to taxation of corporations for state purposes. .

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section three thousand six hundred sixty-nine d of the Political Code is hereby amended to read as follows:

Restoration
of right to
do
business.

3669d. 1. Any corporation which has heretofore failed to pay any tax and penalty imposed under the provisions of section fourteen, article thirteen, of the constitution, and chapter three hundred thirty-five, statutes 1911 and amendments thereof, and for such nonpayment suffered a forfeiture of the charter of such corporation or of its right to do business in this state, may be relieved of such forfeiture, or may be restored to its right to do business in this state, upon making application therefor in writing and paying the tax and penalties for nonpayment of which such forfeiture occurred. Application for restoration, under the provisions of this section shall be made by any stockholder or creditor of such corporations or by a majority of the surviving trustees or directors of such corporations and the same shall be filed with the state controller. In case such application for revivor is made in any year other than the year in which such forfeiture occurred then upon payment of twice the amount of the tax and penalty due the state for the year in which such forfeiture occurred, together with the amount of the license fee due the state under the corporation license tax act for the year in which such forfeiture occurred and for the year in which such revivor is sought, the state controller shall issue a certificate of revivor to such corporation, and thereupon such corporation is revived and its powers restored to full force and effect.

The revivor of a corporation under the provisions of this section shall be without prejudice to any action or proceeding, defense or right which has occurred by reason of the original forfeiture.

Use of new
name.

2. In case the name of any corporation which has suffered a forfeiture under the provisions of chapter three hundred thirty-five, statutes of 1911 or amendments thereof, has been adopted by any other corporation since the date of said forfeiture, or in case any corporation has adopted subsequent to such forfeiture any name so closely resembling the name of such reviving corporation as will tend to deceive, then such reviving corporation shall be entitled to a certificate of revivor pursuant to the terms of this section only upon the adopting by such corporation seeking revivor of a new name, and in such case nothing in this section contained shall be construed as permit-

ting such reviving corporation to carry on any business under its former name. Such reviving corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state, and upon the issuing of a certificate to such corporation by the secretary of state, setting forth the right of such corporation to take such new name or use its former name as the case may be. The secretary of state shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this state and which has not suffered a forfeiture under either of the acts in this section first above mentioned, or to take or use a name so closely resembling the name of any corporation heretofore organized in this state as will tend to deceive.

The provisions of title nine, part three of the Code of Civil Procedure, in so far as they conflict with this section of this code are not applicable to corporations seeking revivor under this section.

CHAPTER 499.

An act to add a new section to the Political Code to be numbered one thousand eight hundred eighty-five a, relating to the issuance of school bonds.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered one thousand eight hundred fifty-five a is hereby added to the Political Code to read as follows:

1885a. In case any officer whose signature or counter-signature or attestation appears on any school bonds or coupons thereof, issued under the provisions of section one thousand seven hundred forty-five or section one thousand eight hundred eighty of the Political Code, shall cease to be such officer before the delivery of such bonds to the purchaser thereof, such signature or counter-signature or attestation appearing either on the bonds or the coupons, or on both, shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of such bonds; and the signature upon the coupons of the person who is auditor at the date of such bonds, shall be valid although the bonds themselves may be attested by a different person who is auditor at the time of delivery of such bonds.

Signature
on school
bonds.

CHAPTER 500.

An act to amend section one thousand five hundred eighty-one of the Political Code, relating to the opening of schools in elementary school districts.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred eighty-one of the Political Code is hereby amended to read as follows:

Opening
of school
in new
district.

1581. After the making of an order by the board of supervisors creating a new district, the school must be opened therein not later than the second Monday of November following the date on which said order was made; otherwise said order shall be null and void; *provided*, that when any newly created district becomes a part of a union school district prior to the second Monday of November following the date on which said order was made, said district shall be exempt from the provisions of this section.

CHAPTER 501.

An act to add a new section to the Political Code to be numbered one thousand seven hundred forty-six a, relating to the execution of bonds of high school districts.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered section one thousand seven hundred forty-six a.

Execution of
high school
district
bonds.

1746a. Any bonds executed in the manner provided by the board of supervisors heretofore or hereafter delivered shall be valid, notwithstanding any change in the officers who signed said bonds or the coupons thereto attached, or in the seal of the board of supervisors occurring after such execution.

CHAPTER 502.

An act to amend section one thousand six hundred eight of the Political Code, relating to the powers of boards of school trustees and city boards of education, by adding subdivision sixth, relating to the improvement of streets.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Section one thousand six hundred eight of the Political Code is hereby amended to read as follows:

1608. Boards of school trustees and city boards of education shall have power, and it shall be their duty:

First—To manage and control school property within their districts, and to pay all moneys received by them or collected by them from any source whatever, and all moneys apportioned to them from taxes levied and collected under the authority of city councils for school purposes, into the county treasury to be placed to the credit of the proper fund of their districts.

Second—Except as otherwise provided in this code, to purchase school furniture, including musical instruments, and apparatus, and such other articles as may be necessary for the use of schools; *provided*, that except in city school districts governed by boards of education, they shall purchase such books and apparatus only as have been adopted by the county board of education.

Third—To furnish, repair, and insure and in their discretion, rent, the school property of their respective districts, such insurance to be written in any solvent insurance company, doing business in this state, or in any mutual insurance company organized under the laws of this state. When the school enrollment of any school is such as to cause overcrowded schoolrooms, then boards of school trustees and city boards of education shall have power to make arrangements for the location of schools in temporary quarters. These quarters may be procured for a consideration, or at a rental, or by the construction of temporary buildings on school property. The boards of school trustees and city boards of education shall also have power to rent suitable quarters for administrative offices for a period not to exceed five years.

Fourth—When directed by a vote of their districts to build schoolhouses or to purchase or sell school lots.

Fifth—To receive in the name of the district conveyances for all property received and published by them, and to make in the name of the district conveyances on all property belonging to the district and sold by them.

Sixth—Boards of school trustees and city boards of education shall have power and may in their discretion grade, pave, sewer, or otherwise improve streets and other public places in front of real property owned or controlled by them, and appropriate money to pay the cost and expense of such improvements whether made by said boards, under contracts executed by said boards, or under contracts made in pursuance of any of the general laws of the state respecting street improvements, or under contracts made in pursuance of the charter of any municipality, and appropriate money to pay that portion of the cost and expense of opening, widening or extending streets or other public places in front of real property under any of the general laws of the state, or under the charter of any municipality, governing such proceedings.

Powers of boards of school trustees and city boards of education.

Make street improvements.

CHAPTER 503.

An act to amend an act entitled "An act to provide for the establishment, government, and maintenance of city planning commissions within municipalities, and prescribing their powers and duties," approved May 21, 1915.

[Approved May 27, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Stats. 1915,
p. 710,
unamended.

SECTION 1. Section seven of an act entitled "An act to provide for the establishment, government, and maintenance of city planning commissions within municipalities, and prescribing their powers and duties," approved May 21, 1915, is hereby amended so as to read as follows:

Tax levy.

Sec. 7. The city council of each municipality may, in making its annual tax levy and as a part thereof, levy and collect a tax for the purpose of defraying the lawful expenses incurred by the city planning commission of such municipality not to exceed two mills on the dollar of assessed valuation; *provided, however*, that no expense of any kind shall be incurred by the commission unless first authorized and approved by the city council; *provided further, however*, that whenever there shall be or remain in any fund created by the city council hereunder, any moneys, or any part of such fund, in excess of the amount necessary to defray the lawful expenses of such commission, or which has not otherwise been appropriated by such commission, or by such city council, such city council may transfer such fund, or any part thereof, to the general fund of such municipality to be used as a part of, and in the same manner, and for the same purposes, as such general fund.

Transfers to
general
fund.

Repealed.

SEC. 2. All acts, or parts of acts, in conflict herewith are hereby repealed.

CHAPTER 504.

An act to amend section twenty-one of an act entitled, "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed

by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section twenty-one of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Sec. 21. Any person who shall commit any act or omit the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of twenty-one years to come within the provisions of any of subdivisions one to thirteen inclusive of section one of this act, or which act or omission contributes thereto, or any person who shall, by any act or omission, or by threats, or commands, or persuasion, induce or endeavor to induce any such person, under the age of twenty-one years, to do or to perform any act or to follow any course of conduct, or to so live as would cause or manifestly tend to cause any such person to become or to remain a person coming within the provisions of any of subdivisions one to thirteen inclusive of section one of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for not more than two years, or by both such fine and imprisonment, or may be released on probation for a period not exceeding five years; and the superior court, sitting as a juvenile court, shall

have original jurisdiction over all such misdemeanors. The said court shall in all prosecutions under this section, cause the defendant to be duly arraigned and plead to the charge made against him in the manner provided in the Penal Code of the State of California upon an indictment or information; and the said court shall also have jurisdiction in all cases where the defendant prosecuted under this section shall enter a plea of guilty to impose sentence or in its discretion to grant probation upon such terms as it may deem proper. The court may also, as a condition of such probation, require a bond in such sum as the court may designate to be approved by the judge requiring the same, to secure the performance by such person of the condition imposed by the court on such probation. Such bond shall by its terms be made payable to the State of California and any moneys received for the breach thereof shall be paid into the county treasury.

CHAPTER 505.

An act to amend section one thousand four hundred eighty-eight of the Political Code, relating to normal schools.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand four hundred eighty-eight of the Political Code is hereby amended to read as follows:

Designation
of normal
schools

1488. The state normal schools now established or hereafter established by the legislature shall be known as "state normal schools," or teachers' colleges and shall each be under the management and supervision of the state department of education as provided by law.

CHAPTER 506.

An act to amend sections four thousand two hundred seventy-six and four thousand two hundred seventy-six a of the Political Code, relating to the salaries and fees of officials, jurors and witnesses in counties of the forty-seventh class.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-six of the Political Code is hereby amended to read as follows:

Counties of
47th class,
salaries of
officers.

4276. In counties of the forty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk one thousand five hundred dollars per annum: *provided*, that in counties of this class, there shall be one deputy clerk who shall be appointed by the county clerk, whose salary shall be one thousand two hundred dollars per annum, and one deputy county clerk to serve in each year in which a general election is held which deputy shall be employed only during that portion of the year requiring extra work by reason of such election and who shall receive a salary of four dollars per day, but not to exceed two hundred dollars in any one calendar year, which salaries shall be paid by said county in the same manner and out of the same fund as the salary of the county clerk.

2. The sheriff, five thousand dollars per annum and mileage for services of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for services of all processes issued from all courts outside of his county; the sheriff to pay all salaries of his deputies.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law. He shall have one deputy at a salary of one hundred dollars per month, which office of deputy recorder is hereby created.

4. The auditor, one thousand five hundred dollars per annum. The county auditor shall be allowed one deputy county auditor to be appointed by him, whose salary shall be one thousand two hundred dollars per annum.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, one thousand five hundred dollars per annum.

7. The assessor, two thousand one hundred dollars per annum; he shall have one deputy assessor to be appointed by him, whose salary shall be one thousand two hundred dollars per annum; and one deputy for three months in each year during the assessing period at a salary of one hundred twenty-five dollars per month and his actual necessary traveling expenses, which salary shall be paid in the same manner and out of the same fund as the salary of the county assessor.

8. The district attorney, two thousand one hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum and all necessary traveling expenses when visiting the schools of the county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

County
librarian.

13. The county librarian, one thousand five hundred dollars per annum.

Justices of
the peace.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered, as hereinafter provided: In townships having a population of three thousand or more, fifty dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in. In townships having a population under three thousand, twenty-five dollars per month, which shall be in full compensation for all services rendered in criminal cases.

Constables.

15. Constables, such fees as are now or may hereafter be allowed by law; *provided, however,* that in counties of this class each constable shall be allowed the sum of four dollars per day for each day that he is actually required to care for a prisoner in his custody or when in actual attendance during a trial or proceeding in the justices' court of his township.

Supervisors.

16. Each member of the board of supervisors, nine hundred dollars per annum; thirty cents per mile one way in attending the meetings of the board. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars per annum.

Reporter.

17. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations, and for coroners' inquests, a monthly salary of seventy-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases a per diem of ten dollars, to be paid by the litigants as the court may direct; and for transcription of said notes, when required, the sum of fifteen cents per folio for the original and five cents per folio for each copy thereof; said compensation for transcription in criminal cases and coroners' inquests to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

Population
of town-
ships.

18. Population of townships. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

SEC. 2. Section four thousand two hundred seventy-six a is hereby amended to read as follows:

4276a. In counties of the forty-seventh class, jurors and witnesses shall receive the following fees and mileage:

Jurors. For attending as a grand juror, for each day's actual attendance, per day, three dollars, and twenty cents per mile for each mile actually traveled, in going only; for attending as a trial juror in the superior court in civil and criminal cases, for each day's actual attendance, per day, three dollars, and twenty cents per mile for each mile actually traveled, in going only; for attending as a trial juror in the justice's court, in civil cases only, for each day's actual attendance, per day, two dollars, and twenty cents per mile for each mile actually traveled, in going only. The fee of such jurors shall be paid to them, respectively, on each day during the period of their attendance, if demanded, and the mileage herein provided for shall be paid at the time the fee for the first day's attendance is paid.

Witnesses. For each day's actual attendance when legally required to attend upon the superior court, per day, three dollars, and twenty cents per mile for each mile actually traveled, in going only; and for each day's actual attendance when legally required to attend upon the justice's court, per day, two dollars, and twenty cents per mile for each mile actually traveled, in going only. Witnesses in criminal cases shall be paid their fees and mileage, as in this section provided, immediately upon their being discharged by the court. Witnesses in civil cases may demand the payment of their fees and mileage for one day, in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

CHAPTER 507.

An act to amend sections one thousand seven hundred sixty and one thousand seven hundred sixty-one of the Political Code, relating to the appropriation and apportionment of state high school funds.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred sixty of the Political Code is hereby amended to read as follows:

1760. It shall be the duty of the state controller, annually, between the tenth day of August and the first day of September, at the time he is required to estimate the amount necessary for other school purposes, to estimate the amount necessary for the support of high schools. This amount he shall estimate by determining the amount required at thirty dollars per-pupil in average daily attendance in all the duly established high schools of the state for the last preceding

State high
school
fund

school year, as certified to him by the state superintendent of public instruction.

The state controller and state treasurer shall each year transfer from the revenues from the taxes provided in section fourteen of article thirteen of the constitution of the State of California, together with all other state revenues, to a separate fund, hereby created, to be called the "state high school fund," the amount so estimated by the state controller.

Sec. 2. Section one thousand seven hundred sixty-one of the Political Code of the State of California is hereby amended to read as follows:

Appor-
tionment

1761. The money paid into the state high school fund is hereby appropriated without reference to fiscal years for the use and support of regularly established high schools and is exempt from the provisions of part three, title one, chapter three, article eighteen, of this code, relating to the state board of control.

The money in said state high school fund shall be apportioned during the school year to the high school districts of the state by the superintendent of public instruction in the following manner:

1. He shall apportion to each high school district on account of each day four year high school, each day junior high school and each day senior high school maintained therein, five hundred fifty dollars for each year of the four year course covering grades nine to twelve, inclusive, maintained by each such the preceding school year.

2. He shall apportion to each high school district on account of each day four year high school and each day senior high school maintained therein, eighty dollars, for each and every unit or major fraction of a unit of the first ten units of average daily attendance in an evening high school and in special day and evening classes (exclusive of part-time classes for persons under eighteen years of age) maintained in connection with each such school during the preceding school year; sixty dollars for each and every unit or major fraction of a unit of the second ten units of such attendance; and forty dollars for each and every unit or major fraction of a unit of the third ten units of such attendance.

3. He shall apportion to each high school district eighty dollars for each and every unit or major fraction of a unit of the first ten units of average daily attendance in part-time classes maintained therein during the preceding school year for persons under eighteen years of age; sixty dollars for each and every unit or major fraction of a unit of the second ten units of such attendance; and forty dollars for each and every unit or major fraction of a unit of the third ten units of such attendance.

4. He shall then apportion the remainder of the annual high school fund among the high school districts of the state pro rata upon the basis of average daily attendance in the high schools of the various districts as shown by the official

reports of the county or city and county superintendents for the preceding school year.

Upon making such apportionments the superintendent of public instruction shall certify to the state controller the amount apportioned to each high school district. Thereupon, the state controller must draw a warrant in favor of the treasurer of each county or city and county for the amount so apportioned to the high school districts of that county or city and county. The treasurer of the county or of the city and county shall immediately place the amount received on account of each high school district in his county to the credit of the account of said district.

CHAPTER 508.

An act to amend section one thousand seven hundred sixty-four of the Political Code, relating to the apportionment of county high school funds.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred sixty-four of the Political Code is hereby amended to read as follows:

1764. The county superintendent of every county, and every city and county, must, at least fifteen days before the first day of the month in which the supervisors of such county, or city and county, are required by law to levy the amount of taxes required for county, or city and county purposes, furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of the county, or the city and county, high school fund needed for the current school year. This amount he shall estimate in the following manner: He shall allow sixty dollars for each unit of average daily attendance of pupils residing within his county who are in attendance upon the legally established public high schools of his county and of adjoining counties; *provided*, that he shall not include the average daily attendance of any pupil attending high school in an adjoining county, unless such pupil resides in a joint union high school district, or unless the attendance of such pupil has been approved in writing by the superintendent of schools of the county in which he resides. To the amount thus estimated he shall add an amount sufficient to reimburse all the high school districts of his county, for money actually expended by them for transportation of pupils living in territory in the county not included in any high school district, and attending the high schools of the county; *provided*, that the high school board of each high school district, educating such pupils shall, on or before August fifteenth, file with the superintendent of

Estimate of
high school
fund.

schools a statement showing the names, and total number of months attendance of all such pupils, and the total amount expended for their transportation; *and provided, further*, that the superintendent of schools shall not include in such estimate, an amount for transportation exceeding five dollars per month for each pupil so attending; *provided, further*, that if this amount is less than sufficient to raise a sum equal to two hundred fifty dollars per teacher, not exceeding four teachers for each high school of the county, employed for full time during the preceding school year, then the minimum amount to be raised shall be two hundred fifty dollars for each teacher, not exceeding four teachers for each high school of the county, employed for full time during the preceding school year. Whenever a new high school district has been formed between the first day of May and the fifteenth day of August next preceding the date of the filing of said estimate, from territory lying wholly or partly within the county, the county superintendent of schools, in making such estimate, shall include on account of such new high school district, the sum of one thousand dollars or such proportion thereof as the assessed valuation of property in his county and in such new high school district, bears to the total assessed valuation of such high school district.

When new district formed.

Levy of county high school tax.

The board of supervisors of such county, or city and county, must, annually, at the time and in the manner of levying other county taxes, levy and cause to be collected for the county, or city and county, high school fund, a tax to be known as the county high school tax, the minimum rate of which shall not be less than sufficient to raise the minimum amount estimated to be raised by the county superintendent as hereinbefore provided.

Pupils attending in adjoining county.

Before apportioning any of the county high school fund to the high school districts of his county, the county superintendent of schools shall draw an order on the county auditor against such fund in favor of the superintendent of schools of any adjoining county in which pupils from his county are attending high school, for an amount estimated by allowing, on account of each unit of average daily attendance of such pupils, the average amount raised in his county on account of each unit of average daily attendance in high schools; *provided*, that the superintendent of schools of such adjoining county shall file with the county superintendent of schools on or before the fifteenth day of August, a report showing the names of pupils residing in the county and attending high school in such adjoining county, and the total units of average daily attendance of all such pupils during the preceding school year. The county auditor of said county shall draw his warrant as directed by the superintendent of schools and the county treasurer shall pay the same. A superintendent of schools in whose favor such order is drawn shall pay the amount of said money into the county treasury to the credit of the high school or schools educating the children from the county paying such

money. The superintendent of schools shall then apportion to each high school district within his county, an amount sufficient to reimburse said high school district for money actually expended for transportation of pupils residing in territory in the county not included in any high school district, and attending such high school during the preceding school year; *provided*, such amount shall not exceed five dollars per month for each pupil so attending.

The money paid into the county high school fund or money remaining after payments or apportionments hereinbefore required have been made shall be apportioned, during the school year, to the high school districts of the county by the superintendent of schools in the following manner:

Apportionment to districts.

1. He shall apportion to each new high school district as hereinbefore defined, one thousand dollars. He shall apportion to each high school district established previous to the first day of May next preceding on account of each day four year high school, each day junior high school and each day senior high school maintained therein, two hundred fifty dollars for each year of the four year course, covering grades nine to twelve inclusive, maintained by each such school during the preceding school year; *provided*, that no such school shall receive an apportionment on this basis for more grades than there were teachers employed in such grades.

2. He shall apportion to each high school district on account of each day four year high school and each day senior high school maintained therein, forty dollars for each and every unit or major fraction of a unit of the first ten units of average daily attendance in an evening high school and in special day and evening classes (exclusive of part-time classes for persons under eighteen years of age) maintained in connection with each such school during the preceding school year; thirty dollars for each and every unit or major fraction of a unit of the second ten units of such attendance; and twenty dollars for each and every unit or major fraction of a unit of the third ten units of such attendance.

3. He shall apportion to each high school district, forty dollars for each and every unit or major fraction of a unit of the first ten units of average daily attendance in part-time classes maintained therein during the preceding school year for persons under eighteen years of age; thirty dollars for each and every unit or major fraction of a unit of the second ten units of such attendance; and twenty dollars for each and every unit or major fraction of a unit of the third ten units of such attendance.

4. He shall apportion the remainder of the funds among the high school districts pro rata upon the basis of average daily attendance during the preceding school year.

Whenever a high school district lies partly in one county, and partly in another, the county superintendent must apportion to such district, such proportion of the school money to

District in two counties.

which such district is entitled, as the number of pupils in average daily attendance, residing in that portion of the district situated in his county, bears to the total number of pupils in average daily attendance in the entire district, as shown by the principal's annual report for the preceding school year.

Availability
of money.

All moneys apportioned to any high school district under the provisions of this section shall be available for the maintenance of any high school located in such district, for the current school year, and shall be paid out in the same manner that high school district funds are paid out. As provided elsewhere in this code, the high school board of any high school district may file with the board of supervisors an estimate of the amount of money, in excess of state and county moneys, required for building and maintenance of the high school of such district for the current school year. No charge for tuition shall be made in any high school district of this state.

CHAPTER 509.

An act to amend section one of an act entitled "An act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Stats 1903,
p. 476.
amended.

SECTION 1. Section one of an act entitled "An act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903, is hereby amended to read as follows:

Payment on
premiums on
official
bonds

Section 1. The premium or charge for bonds given by surety companies for state officials, county officials, township officials, city officials, or city and county officials, shall be paid by the state, county, city, or city and county, respectively; *provided*, that no premium or charge shall exceed one-half of one per cent per annum on the amount of such bond; *and provided*, *further*, that this act shall not apply to notaries public; *and provided*, *further*, that in the case of township officials the premium shall be paid by the county in which the township is situate.

CHAPTER 510.

An act amending an act entitled "An act to provide a relief fund in the several counties or any city and county of the state for the needy blind, providing for and prescribing the powers and duties of boards of supervisors in every county or city and county," approved May 2, 1919, by amending section four thereof.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four of an act entitled "An act to provide a relief fund in the several counties or any city and county of the state for the needy blind, providing for and prescribing the powers and duties of boards of supervisors in every county or city and county," approved May 2, 1919, is hereby amended to read as follows: Stats. 1919,
p. 188,
amended.

Sec. 4. All persons claiming relief under this act shall file, at least ten days prior to action on said claims, with the board of supervisors a duly verified statement of the facts bringing him within the provisions of this act. The list of claims shall be filed in the order of filing in a book furnished for that purpose by the board of supervisors, and which record shall be open to the public. No certificate of qualification for drawing money under this act shall ever be granted until the board of supervisors shall be satisfied, from the evidence of at least two reputable residents of said county, or city and county, one of whom shall be a duly and regularly licensed and practicing physician, that they know the applicant to be blind, and that he has the residential qualifications to entitle him to the relief asked for, which evidence shall be in writing, subscribed to by such witnesses, subject to the right of cross-examination by the board of supervisors or other persons. If the board of supervisors is satisfied upon such testimony that the applicant is entitled to the relief hereunder, it shall issue an order therefor, in such sum as it finds needed, not to exceed one hundred eighty dollars per annum, to be paid monthly out of the fund herein provided for on the warrant of the county auditor, or auditor of the city and county. Claim: for
relief.

CHAPTER 511.

An act to amend the Political Code by repealing section four thousand two hundred thirty-six thereof, and to enact sixteen new, separate and distinct sections thereof, to be numbered consecutively four thousand two hundred thirty-six a, four thousand two hundred thirty-six b, four thousand two hundred thirty-six c, four thousand two hundred thirty-six d, four thousand two hundred thirty-six e, four thousand two hundred thirty-six f, four thousand two hundred thirty-six g, four thousand two hundred thirty-six h, four thousand two hundred thirty-six i, four thousand two hundred thirty-six j, four thousand two hundred thirty-six k, four thousand two hundred thirty-six l, four thousand two hundred thirty-six m, four thousand two hundred thirty-six n, four thousand two hundred thirty-six o, four thousand two hundred thirty-six p, inclusive, relating to county and township officers, in counties of the seventh class, the assistants, deputies and other employees of said officers, and providing for the compensation of said officers and said assistants, deputies and other employees.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Repealed.

SECTION 1. Section four thousand two hundred thirty-six of the Political Code is hereby repealed.

SEC. 2. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six a, to read as follows:

Counties of
7th class,
salary of
county
clerk.

4236a. In counties of the seventh class the county clerk shall receive as full compensation for the services required of him by law the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the county clerk, the following deputies, clerks and employees, to be appointed by said clerk, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy who shall serve as chief deputy and registrar of voters, two thousand four hundred dollars per annum; one deputy, two thousand two hundred eighty dollars per annum; five deputies, one thousand eight hundred dollars each per annum; eight deputies, one thousand six hundred eighty dollars each per annum; *provided*, that whenever a special state or special county, or municipal election is held, the county clerk, in counties of this class, shall be, and is hereby allowed the following additional help: five clerks for a period of and not exceeding sixty days, immediately preceding such election date, whose salary shall be one hundred twenty-five dollars each, per month; *provided, further*, that in such years as the compilation of a great register of voters is required by law, to be made, the county clerk in counties of

this class, shall be, and he is hereby allowed the following additional help: As many clerks as are necessary, in his discretion, from January first, to November first, at one hundred dollars each per month, and whose compensation shall not exceed the sum of three thousand dollars in the aggregate, for all clerks so employed; *provided, further*, the county clerk may appoint such number of registration deputies in any precinct as may be necessary for the purpose of registering electors, each of whom shall be a qualified elector in his respective precinct, each of said deputies in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more, inhabitants, shall be paid the sum of fifteen cents per name, for each person legally registered by him, and that each of said deputies, within the corporate limits of a municipality containing twenty-five thousand or more inhabitants, shall be paid the sum of seven and one-half cents per name for each person legally registered by him, and the said registration deputies to be paid for their services on the presentation and filing with the county auditor of said county, a duly verified claim therefor, duly approved by the said county clerk. The salaries and compensation of each of said deputy clerks and employees to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. The county clerk shall pay into the county treasury at the close of each month, all fees received by him as county clerk during the month, accompanied by a statement of the sources from whence received.

The provisions of this section in so far as they affect a change in the present salary or fees received by the county clerk, shall not become effective or operative until the first Monday in January, 1923. Until the first Monday in January, 1923, he shall receive three thousand six hundred dollars per annum and also such compensation as is now or may hereafter be allowed by law.

No deputy or employee, other than those mentioned in this section, shall be employed by or allowed the county clerk in counties of the seventh class, nor shall any legal charge accrue for salary against said county, for any other deputy or employee, appointed or employed by said county clerk nor by the board of supervisors, or by any other authority, that are in any manner used or employed to assist said county clerk or any of his employees.

SEC. 3. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six *b*, to read as follows:

4236*b*. In counties of the seventh class the sheriff shall receive as full compensation for the services required by him of law, the sum of four thousand dollars per annum salary; the sheriff shall also be paid fifteen cents per meal each, for all meals furnished prisoners confined in the county jail. He shall also receive his necessary expense in criminal cases.

Counties of
7th class,
salary of
sheriff.

Counties of
7th class,
salary of
sheriff.

That in counties of this class, there shall be, and there is hereby allowed to the sheriff, the following deputies, jailers, and bailiffs, to be appointed by the said sheriff, which positions are hereby created, and the salaries of each are hereby fixed as follows: One deputy, who shall act as undersheriff at a salary of two thousand two hundred eighty dollars per annum; one deputy, who shall act as chief criminal deputy and Bertillon expert, at a salary of two thousand one hundred dollars per annum; one chief jailer at a salary of one thousand eight hundred dollars per annum; two criminal deputies at salaries of one thousand eight hundred dollars per annum, each; three court bailiffs at a salary of one thousand six hundred eighty dollars per annum each; three jailers at a salary of one thousand six hundred eighty dollars per annum, each; one deputy at a salary of one thousand five hundred dollars per annum; one watchman at a salary of one thousand five hundred dollars per annum; one matron, to attend to female prisoners at a salary of one thousand three hundred twenty dollars per annum; one deputy who shall act as book-keeper at a salary of one thousand six hundred eighty dollars per annum; one relief matron, for two weeks in each year, at a salary of one hundred twenty dollars per month. The salaries and compensation of each of said deputies, jailers and bailiffs, to be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

The provisions of this section in so far as they affect a change in the present salary or fees received by the sheriff, shall not become effective or operative until the first Monday in January, 1923. Until the first Monday in January, 1923, the sheriff shall receive three thousand six hundred dollars per annum salary, and fees for mileage which is now or which may hereafter be allowed by law and the fees and commission for the service of all papers whatsoever issued by any court of the state outside of said county and shall receive his necessary expense in criminal cases and twelve and one-half cents per meal for all meals furnished prisoners confined in the county jail.

No deputy or employee, other than those mentioned in this section, shall be employed by or allowed the sheriff in counties of the seventh class except in extreme cases of riot or disorder or when necessary to preserve the public peace, nor shall any legal charge accrue for salary against said county, for any other deputy or employee, appointed or employed by said sheriff nor by the board of supervisors, or by any other authority, that are in any manner used or employed to assist said sheriff or any of his employees, except in extreme cases of riot or disorder or when necessary to preserve the public peace.

The sheriff shall pay into the county treasury at the close of each month all fees, mileage and per diems received by

him as sheriff during the month, accompanied by a statement of the sources from whence received.

SEC. 4. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six *c*, to read as follows:

4236*c*. In counties of the seventh class the recorder shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the county recorder, which said positions are hereby created, the following deputies, clerks and copyists, and shall be appointed by such recorder, and shall be paid salaries and compensations as follows: One chief deputy at a salary of two thousand two hundred eighty dollars per annum; one comparing clerk, at a salary of one thousand eight hundred dollars per annum; one mortgage clerk, at a salary of one thousand five hundred dollars per annum; one index clerk at a salary of one thousand eight hundred dollars per annum; said recorder may also appoint such copyists, not to exceed four, as may be required, for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services the sum of one thousand five hundred dollars each, per year; said recorder may also appoint two filing clerks at a salary of one thousand five hundred dollars each, per annum. The salaries and compensation of all deputies, clerks and copyists herein provided for, each of whom shall be a deputy county recorder, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county recorder is paid, out of the county treasury.

Counties of
7th class,
salary of
recorder.

The provisions of this section in so far as they affect a change in the present salary or fees received by the county recorder, shall not become effective or operative until the first Monday in January, 1923. Until the first Monday in January, 1923, he shall receive three thousand six hundred dollars per annum.

No deputy or employee, other than those mentioned in this section, shall be employed by or allowed the county recorder in counties of the seventh class, nor shall any legal charge accrue for salary against said county, for any other deputy or employee, appointed or employed by said county recorder nor by the board of supervisors, or by any other authority, that are in any manner used or employed to assist said county recorder or any of his employees.

SEC. 5. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six *d*, and to read as follows:

4236*d*. In counties of the seventh class the auditor shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum. In counties of this class, there shall be, and there is hereby allowed to the auditor, which said positions are hereby created,

Counties of
7th class,
salary of
auditor.

the following deputies, who shall be appointed by the auditor of such county, and shall be paid salaries and compensation as follows: One chief deputy at a salary of two thousand two hundred eighty dollars per annum; one redemption deputy at a salary of one thousand nine hundred eighty dollars per annum; one warrant deputy at a salary of one thousand nine hundred eighty dollars per annum; one claim expert, at a salary of two thousand one hundred dollars per annum; one statistician, at a salary of one thousand six hundred eighty dollars per annum; one assistant claim clerk at a salary of one thousand six hundred eighty dollars per annum; one general office deputy, at a salary of one thousand six hundred eighty dollars per annum; and such additional assistants as the auditor may require, and whose compensation shall not exceed six hundred dollars per annum, in the aggregate, for all assistance so rendered; *provided, further*, that the auditor shall certify thereon, as to the correctness of such additional assistance. The salaries and compensation of each of said deputies and clerks, to be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid.

The provisions of this section in so far as they affect a change in the present salary or fees received by the county auditor, shall not become effective or operative until the first Monday in January, 1923. Until the first Monday in January, 1923, he shall receive three thousand six hundred dollars per annum.

No deputy or employee, other than those mentioned in this section, shall be employed by or allowed the county auditor in counties of the seventh class nor shall any legal charge accrue for salary against said county, for any other deputy or employee, appointed or employed by said county auditor nor by the board of supervisors, or by any other authority, that are in any manner used or employed to assist said county auditor or any of his employees.

SEC. 6. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six *e*, and to read as follows:

4236*e*. In counties of the seventh class the county treasurer shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, in counties of this class, there shall be and there is hereby allowed, the following deputies, to be appointed by said treasurer, which positions are hereby created, and whose compensation is hereby fixed as follows: One chief deputy at a salary of two thousand two hundred eighty dollars per annum; one deputy to act as bookkeeper, at a salary of one thousand nine hundred eighty dollars per annum; one deputy, at a salary of one thousand six hundred eighty dollars per annum; the salaries and compensation of each of said deputies and bookkeeper to be paid out of the county treas-

Counties of
7th class,
salary of
treasurer.

ury, in equal monthly installments, in the same manner and at the same time as other county officials are paid.

The provisions of this section in so far as they affect a change in the present salary or fees received by the county treasurer, shall not become effective or operative until the first Monday in January, 1923. Until the first Monday in January, 1923, he shall receive three thousand six hundred dollars per annum and such fees as are now or may hereafter be allowed by law.

No deputy or employee, other than those mentioned in this section, shall be employed by or allowed the county treasurer in counties of the seventh class, nor shall any legal charge accrue for salary against said county, for any other deputy or employee, appointed or employed by said county treasurer nor the board of supervisors, or by any manner used or employed to assist said county treasurer or any of his employees. The county treasurer shall pay to the county treasury at the close of each month, all fees received by him as county treasurer during the month, accompanied by a statement of the sources from whence received.

SEC. 7. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six f, and to read as follows:

4236f* In counties of the seventh class the county tax and license collector shall receive as full compensation for services of tax collector and ex officio license collector, required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed to the tax collector, the following deputies, bookkeepers and assistants, to be appointed by said tax collector, which positions are hereby created, and whose salaries are hereby fixed as follows: One chief deputy at a salary of two thousand two hundred eighty dollars per annum; one office deputy at a salary of one thousand eight hundred dollars per annum; one cashier, at a salary of one thousand eight hundred dollars per annum; one deputy who shall be correspondence and mail clerk, at a salary of one thousand five hundred dollars per annum; *provided, further*, that the tax collector shall have two additional deputy tax collectors to serve as such for a period of six months in each year, and who shall receive a salary of one hundred twenty-five dollars each, per month; also, three additional deputy tax collectors, to serve as such for a period of three months in each year, and who shall receive a salary of one hundred ten dollars each, per month; also one additional deputy tax collector to serve as cashier for two months in each year, and who shall receive a salary of one hundred twenty-five dollars per month; all of which shall be paid by the county. The salaries of all deputies, assistants and bookkeepers herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the tax collector is paid.

Counties of 7th class, salary of tax and license collector.

Office of
license
collector
abolished.

The tax collector is hereby declared to be the ex officio license collector, and the office of license collector heretofore existing is hereby abolished.

The tax and license collector shall deposit in the county treasury all the money received by him in his official capacity, not later than the day succeeding the collection thereof, in the manner provided by section four thousand one hundred one *a* of the Political Code; *provided*, that checks, drafts and post office orders received or accepted by the tax and license collector at his own risk, the proceeds of which are to be applied on tax or license collections, may be deposited in bank and a reasonable time allowed for "clearance," not to exceed one week, before depositing the money in the county treasury; *provided, further*, that nothing herein shall be construed to authorize the payment of taxes other than in "lawful money of the United States," as provided by section three thousand eight hundred eighty-eight, of the Political Code. The tax and license collector shall be allowed his actual and necessary traveling expenses incurred by him, in the performance of his official duty, not exceeding two hundred dollars for the year.

The provisions of this section in so far as they affect a change in the present salary or fees received by the county tax and license collector, shall not become effective or operative until the first Monday in January, 1923. Until the first Monday in January, 1923, he shall receive three thousand dollars per annum as tax collector and one thousand eight hundred dollars per annum as license collector.

No deputy or employee, other than those mentioned in this section, shall be employed by or allowed the county tax or license collector in counties of the seventh class, nor shall any legal charge accrue for salary against said county, for any other deputy or employee, appointed or employed by said county tax and license collector nor by the board of supervisors, or by any other authority, that are in any manner used or employed to assist said county tax and license collector or any of his employees.

SEC. 8. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six *g*, and to read as follows:

4236*g*. In counties of the seventh class the county assessor shall receive as full compensation for services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class, there is hereby allowed to the assessor, the following deputies, clerks and assistants, to be appointed by said assessor, which positions are hereby created, and the salaries of each are hereby fixed as follows: One assistant county assessor at a salary of two thousand two hundred eighty dollars per annum; one chief deputy assessor at a salary of one thousand nine hundred eighty dollars per annum; two office deputies at a salary of one thousand eight hundred dollars per annum each; one deputy at a salary of

Counties of
7th class,
salary of
assessor.

one thousand six hundred eighty dollars per annum; one deputy for one hundred fifty days in each year at a salary of seven dollars per day; two deputies for one hundred days in each year at a salary of five dollars and fifty cents per day, each; six deputies for one hundred days in each year, at a salary of five dollars per day each; ten deputies for one hundred days in each year at a salary of seven dollars per day, each; two deputies, for two months in each year, at a salary of one hundred fifteen dollars per month, each.

The provisions of this section in so far as they affect a change in the present salary or fees received by the county assessor, shall not become effective or operative until the first Monday in January, 1923. Until the first Monday in January, 1923, he shall receive four thousand dollars per annum and such fees as are now or may hereafter be allowed by law.

No deputy or employee, other than those mentioned in this section, shall be employed by or allowed the county assessor in counties of the seventh class, nor shall any legal charge accrue for salary against said county assessor nor by the board of supervisors, or by any other authority, that are in any manner used or employed to assist said county assessor or any of his employees. The county assessor shall pay into the county treasury at close of each month all fees received by him as county assessor during the month, accompanied by a statement of the sources from whence received. The salaries of all assistants, deputies and clerks herein provided for shall be paid by the said county in monthly installments at the same time, manner and out of the same funds as the county assessor is paid.

Sec. 9. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six *h*, and to read as follows:

4236*h*. In counties of the seventh class the district attorney shall receive as full compensation for the services required of him by law the sum of five thousand dollars per annum, *provided*, that in counties of this class there shall be, and there is hereby created and allowed to the district attorney, the following assistant, deputies and employees, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, whose salary is hereby fixed at the sum of three thousand nine hundred dollars per annum; one deputy district attorney, whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy district attorney whose salary is hereby fixed at the sum of three thousand three hundred dollars per annum, whose duty it shall be, in addition to performing services as deputy district attorneys, to attend preliminary examinations held in all police and justices' courts in the county and conduct on behalf of the people all prosecutions for felonies at such preliminary examinations, and, also to attend and appear before the juvenile court of said county and prosecute proceedings therein; one

Counties of
7th class
salary of
district
attorney.

clerk, who shall be a stenographer, whose salary is hereby fixed at the sum of one thousand six hundred eighty dollars per annum; one county detective, who shall perform such duties as may be required of him by the district attorney, or by the ordinances of the board of supervisors of the county, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; *provided, further*, that in addition to the salary herein fixed for said county detective he shall be allowed and paid actual and necessary expenses incurred by him in the performance of his official duties; *provided, further*, that the said county detective shall file with the board of supervisors a verified statement and claim showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; *and provided, further*, that in counties of this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and the prosecution of criminal cases and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county. Neither the district attorney nor any of his assistants or deputies shall engage in the private practice of law, nor shall they be associated directly or indirectly with any lawyer or law firm as such in private practice, but each shall devote his entire time to the service of the county.

The provisions of this section, in so far as they effect salaries and the private practice of law, shall not become effective until the first Monday in January, 1923, except as to the salary of the clerk and detective, and as to said clerk and detective, the provisions of this section shall become immediately effective. Until the first Monday in January, 1923, the salary of the district attorney, shall be five thousand dollars per annum, one assistant district attorney, three thousand six hundred dollars per annum, one chief deputy district attorney, two thousand seven hundred dollars per annum, and two deputy district attorneys whose salaries shall be two thousand four hundred dollars per annum each.

Sec. 10. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six *i*, and to read as follows:

4236i. In counties of the seventh class there shall be one coroner who shall receive as full compensation for the services required of him by law, such fees as are now or may hereafter be allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person may subpoena a chemist to make an analysis of the contents of the stomach or tissues of the body, or a physician or surgeon to inspect the body, or hold a post mortem examina-

Of a class of
7th class,
salary of
coroner.

tion of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his direction. The coroner in counties of this class shall be and he is hereby allowed the following assistants, namely, one deputy and one stenographer, which offices are hereby created; said deputy shall have the power and it shall be his duty when directed by the coroner to hold inquests, and all such power conferred by law upon the coroner may be exercised by said deputy, who shall receive a salary of one thousand three hundred twenty dollars per annum; the salary of said stenographer shall be one thousand five hundred dollars per annum, which salary shall be in full for all services rendered by him as such stenographer. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into longhand and file a verified copy thereof with the county clerk. The salaries of said deputy and stenographer shall be paid by the county in the same manner, at the same time and out of the same fund as other county officers are paid. The said deputy coroner and the said stenographer shall each be appointed by the coroner. No deputy or employee, other than those mentioned in this section, shall be employed by or allowed the coroner in counties of the seventh class, nor shall any legal charge accrue for salary against said county, for any other deputy or employee, appointed or employed by said coroner nor by the board of supervisors, or by any other authority, that are in any manner used or employed to assist said coroner or any of his employees.

Sec. 11. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six j, and to read as follows:

4236j. In counties of the seventh class there shall be one superintendent of schools, who shall receive as full compensation for the services required of him by law, the sum of three thousand dollars per annum, and actual traveling expenses when visiting schools of the county, not exceeding five hundred dollars per annum; and the said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation, the sum of two thousand one hundred dollars, per annum, and the said superintendent of schools may appoint one deputy superintendent of schools, which office is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, the salary of said assistant superintendent of schools and deputy superintendent of schools is payable at the same and in the same manner as the salary of other county officers are paid. Each member of the board of education of the county shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per

Counties of
7th class,
salary of
superintendent
of
schools.

mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education of said county shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education of this county hereby provided is not in addition to that provided in section one thousand seven hundred seventy of this code. No deputy or employee, other than those mentioned in this section, shall be employed by or allowed the superintendent of schools in counties of the seventh class, nor shall any legal charge accrue for salary against said county, for any other deputy or employee, appointed or employed by said superintendent of schools nor by the board of supervisors, or by any other authority, that are in any manner used or employed to assist said superintendent of schools or any of his employees.

Sec. 12. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six *k*, and to read as follows:

Counties of
7th class,
salary of
surveyor.

4236*k*. In counties of the seventh class, the county surveyor shall receive a salary of two thousand four hundred dollars per annum; and in addition thereto all necessary expenses for work performed in the office and all necessary expenses and transportation for work performed in the field; *provided*, that in counties of this class, whenever the board of supervisors shall order or the assessor may require assessor's map or block books then the surveyor shall receive in addition to the salary above noted the sum of one thousand five hundred dollars, additional expenses required for the preparation and completion of said maps or block books.

Nothing in this section contained is intended to or shall conflict with the county engineer act or any action taken under and by virtue of said act.

Sec. 13. A new section is hereby added to the Political Code, to be numbered four thousand two hundred thirty-six *l*, and to read as follows:

Counties of
7th class,
salaries of
justices of
the peace
and
constables

4236*l*. For the purpose of regulating the compensation of township justices and constables in counties of the seventh class, townships shall be classified on the basis of population as shown by the federal census of one thousand nine hundred twenty as follows: Incorporated cities having a population of twenty thousand or more, shall be known as townships of the first class; townships having a population of five thousand and less than twenty thousand shall be known as townships of the second class; townships having a population of more than two thousand and less than five thousand shall be known as townships of the third class; *provided*, that no township

shall contain less than two thousand population; *provided*, Counties of 7th class, salaries of justices of the peace and constables. *further*, that the number of townships shall not exceed seven in counties of this class. It shall be the duty of the board of supervisors to fix the boundaries of townships, so that all the territory in counties of the seventh class, shall be comprised within the above limitations of population.

Townships of the second and third classes, shall each have one justice and one constable.

Townships of the first class shall have one justice and two constables; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be one clerk to be appointed by the justice of the peace, such clerk to receive a salary of one hundred twenty-five dollars per month, payable monthly in the same manner as salaries of county officers are paid. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All fees and mileage collected by constables in civil cases shall be deposited in the county treasury monthly.

Townships containing twenty thousand or more inhabitants the board of supervisors shall furnish the justice of the peace and the constables of such townships an office to be occupied by such justice and constables jointly.

The compensation of justices of the peace in counties of the seventh class is hereby fixed as follows: Class one townships, three thousand six hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum, class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officers are paid.

The compensation of constables in counties of the seventh class is hereby fixed as follows: Class one townships, two thousand one hundred dollars per annum; class two townships one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officers are paid. None of the foregoing provisions of this section except that applying to the clerk of justice courts of townships of the first class shall become operative or take effect until the first Monday in January, 1923. Until the first Monday in January, 1923, in counties of the seventh class justices of the peace and constables shall be compensated as follows and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

In townships having a population of twenty-five thousand or more, justices of the peace shall receive a salary of three hundred dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of the coroner. All fees chargeable and collectible by justices

Counties of
7th class,
salaries of
justices of
the peace
and
constables.

of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; *provided, however*, that in all such townships having a population of twenty-five thousand or more, there shall be one clerk to be appointed by the justices of the peace, such clerk to receive a salary of one hundred twenty-five dollars per month, payable monthly in the same manner as salaries of county officers are paid.

In townships having a population of five thousand and less than twenty-five thousand, justices of the peace shall receive the sum of one hundred forty dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases and in all cases wherein justices of the peace perform the duties of the coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

In townships having a population of three thousand and less than five thousand, justices of the peace shall each receive the sum of one hundred twenty-five dollars as full compensation for all services rendered by them in both criminal cases and civil cases and in all cases wherein the justices of the peace perform the duties of the coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

In townships having a population of two thousand and less than three thousand, justices of the peace shall each receive the sum of one hundred dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of the coroner. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

In townships having a population of nine hundred and less than two thousand, justices of the peace shall each receive the sum of seventy-five dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

In townships having a population of less than nine hundred, justices of the peace shall each receive the sum of fifty dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and civil cases for services rendered by them shall be collected by them and by them paid monthly into the

county treasury; *provided, however*, that justices of the peace in townships contiguous to municipalities containing twenty-five thousand or more inhabitants or in which a penal institution is located shall be allowed a salary of one hundred forty dollars per month each, as full compensation for all services rendered by them in both criminal and civil cases and in all cases wherein the justices of the peace perform the duties of coroner, and all fees chargeable and collectible by said justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. The population referred to in classifying the townships for the purpose of regulating the compensation of justices of the peace shall be the population found and determined by the federal census taken in the year 1910; *provided*, that if the township census be taken after the taking of the federal census under the provision of section four thousand fifty-five, then said census shall be known and shall become the official census of the townships in which the same is taken, and the population therein determined shall be and become the official population of said township.

Counties of
7th class,
salaries of
justices of
the peace
and
constables.

Constables, in townships having a population of between nine hundred, and one thousand, and between two thousand two hundred and two thousand four hundred inhabitants, as found and determined by the last preceding federal census, shall be allowed a salary of seventy-five dollars per month each and fifteen cents per mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases. In all other townships, constables, such fees as are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred twenty-five dollars per month each, in lieu of all fees in criminal cases; *provided, further*, that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located shall be allowed a salary of one hundred dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases; *provided, further*, that constables, in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants, and constables in townships in which a state penal institution is not located, shall receive in addition to the fees now provided by law, three dollars per diem for each day in actual attendance on the court in criminal cases, and fifteen cents per mile for each mile actually traveled in taking prisoners to the county jail. The salary of the constables as above provided to be paid at the same time and in the same manner as county officers are paid.

SEC. 14. A new section is hereby added to the Political Code, to be numbered as four thousand two hundred thirty-six *m*, and to read as follows:

Counties of
7th class,
fees of
public ad-
ministrator.

4236*m*. In counties of the seventh class the public administrator shall receive as compensation such fees as are now or may hereafter be allowed by law.

SEC. 15. A new section is hereby added to the Political Code, to be numbered as four thousand two hundred thirty-six *n*, and to read as follows:

Counties of
7th class,
salary of
supervisors.

4236*n*. In counties of the seventh class each supervisor shall receive as compensation one hundred twenty-five dollars per month, and in addition thereto the board of supervisors as a whole shall be allotted and paid five hundred dollars per year for traveling expenses, and ten cents per mile for traveling to and from the county seat; *provided*, mileage for traveling to and from the county seat shall not be allowed oftener than once in each month.

SEC. 16. A new section is hereby added to the Political Code to be numbered as four thousand two hundred thirty-six *o*, and to read as follows:

Counties of
7th class,
jurors' fees.

4236*o*. In counties of the seventh class jurors shall receive for attendance as jurors in any court, for each day's attendance, three dollars per day, and fifteen cents per mile in going only.

Each member of the grand jury shall be allowed three dollars for each day in attendance upon the sessions of the grand jury, or for each day's service as a member of any committee of the grand jury; each grand juror shall be allowed mileage at the rate of ten cents per mile for each and every mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

SEC. 17. A new section is hereby added to the Political Code to be numbered four thousand two hundred thirty-six *p*, and to read as follows:

Counties of
7th class,
salary of
county
librarian.

4236*p*. In counties of the seventh class the salary of the county librarian shall be two thousand two hundred eighty dollars per annum.

CHAPTER 512.

An act to amend sections six, eight, eleven and twelve of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years: and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers

and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, and to add a new section thereto to be numbered section nineteen x forty-five, said section relating to the salaries of probation officers.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section six of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith." approved June 5, 1915, as amended, is hereby amended to read as follows:

Sec. 6. Whenever a deposition or complaint shall be filed in any court other than a superior court charging a person with a crime and it shall be suggested or shall appear to the judge, justice or recorder before whom such person is brought that the person charged was at the date the offense is alleged to have been committed under the age of eighteen years, said judge, justice or recorder, shall immediately suspend all proceedings against such person on said charge and examine into the age of such person, and if, from such examination, it shall appear to the satisfaction of said judge, justice or recorder, that such person was at the date the offense is alleged to have been committed under the age of eighteen years, he shall forthwith certify to the juvenile court of his

Stats. 1915,
p. 1229,
amended.

Person under
eighteen
years of age
taken before
juvenile
court.

county (a) that said person (naming him) is charged with such crime (briefly stating its nature); (b) that said person appears to be under the age of eighteen years, giving date of birth when known, and (c) that proceedings have been suspended against such person on such charge by reason of his age, with the date of such suspension; and immediately thereupon all proceedings against the said person on said charge shall be suspended until said juvenile court shall issue its mandate, as hereinafter provided, directing the court before which said charge was made to proceed with the examination into or trial thereof, and the court so suspending its proceedings shall forthwith cause such person to be taken before the juvenile court of the county for consideration and proceedings under this act. To such certification said judge, justice or recorder, or the clerk of said court shall attach a certified copy of said original deposition or complaint, and when such person shall be brought before the judge of the juvenile court, said judge shall direct the probation officer to file a petition as provided in section three of this act, except that said petition need not be verified; and said probation officer shall forthwith comply with such directions. Pending such hearing said judge may admit said person to bail or otherwise provide for his temporary custody in any manner provided herein for the care of a ward of the juvenile court. The proceedings thereafter shall be the same as in the case of a verified petition; *provided, however*, that if said judge of the juvenile court shall after such investigation decide that the person was at the time said offense was alleged to have been committed of the age of eighteen years or more, such determination shall be conclusive and he shall immediately issue his mandate directing the court before which such charge is pending to proceed therewith, and upon receipt of such mandate said court shall proceed with the examination or trial of said charge as though no suspension thereof had taken place; except that if said judge of the juvenile court shall find that the person so charged is under the age of twenty-one years, and a fit subject for consideration under the provisions of this act, he may make such order or orders hereunder as he may deem best in relation to such person; but if such judge shall at any time conclude that such person is not a fit subject for further consideration under this act, he may sit as a committing magistrate and hold a preliminary examination if such person is charged with a felony, or he may remand such person to the court in which said person is charged with said offense for further proceedings on said charge, and upon receipt of the mandate of said juvenile court, or the judge thereof, the court before which said charge is then pending shall be vested with full authority to proceed with the examination or trial thereof.

All statutes of limitations relating to the charge so pending against such person shall be suspended as to said person and charge from the issuance by said judge, justice or recorder of his certificate hereinbefore provided for until said juvenile

If person found to be over eighteen years.

If person is under twenty-one years.

Statutes of limitations suspended.

court, or judge thereof, shall issue its mandate remanding such person for further proceedings as aforesaid; and all statutes of limitation relating to any charge, made in any court, against any person under the age of twenty-one years, shall be suspended as to such charge and person whenever, and as long as, such person is before the juvenile court for consideration under the provisions of this act, or is subject to detention by virtue of any commitment issued hereunder and unrevoked; but if said person shall be discharged by the juvenile court or shall be honorably dismissed by the authorities of the appropriate state school, such order of discharge or dismissal shall constitute a bar to any further proceedings in any court against said person upon said charge.

SEC. 2. Section eight of said act is hereby amended to read as follows: Stats 1915,
p. 1231,
amended.

Sec. 8. When any person alleged to come within the provisions of any of subdivisions one to thirteen inclusive of section one of this act shall be adjudged by said court or judge to come within the terms of any of said subdivisions, and adjudged to be a ward of the juvenile court, the court may make an order committing said person for such time as the court may deem fit, but not beyond the time during which the court retains jurisdiction as prescribed by the provisions of section twelve hereof, either (a) to the home and care of some reputable person of good moral character, or (b) to the care of some association, society or corporation embracing within its objects the purpose of caring for or obtaining homes for such persons, willing and able to receive and care for said ward, or (c) to the care of the probation officer, to be boarded out or placed in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of said ward until suitable provision may be made for said ward in a home without such payment, said ward to be subject to the supervision of the probation officer and the further order of the court; or (d) on probation to the care of the probation officer, said ward to remain in the home of said ward, or in any other fit home in which the court may order the probation officer to place said ward, subject to the visitation of the probation officer, said ward to report to the probation officer as often as may be required, and to be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable; or (e) the court may, if said ward of the juvenile court be a boy, commit him to the Preston School of Industry, or to the Whittier State School, for the period during which the court retains jurisdiction; *provided*, that no boy under the age of fifteen years shall be committed to the Preston School of Industry, nor any boy over the age of sixteen years to the Whittier State School, or if said ward be a girl; the court may commit her to the California School for Girls, for the period during which the court retains jurisdiction, or (g) may commit

Time and
place of
commitment

such person to any other state or county institution that is now established or may hereafter be established for the purpose of caring for and training persons that come within the provision of this act; *provided, however*, that before conveying any such person to any such institution it shall be ascertained from the superintendent thereof whether such person can be received; *provided, however*, that such commitment under this act to either the Preston School of Industry or the Whittier State School shall permit the transfer of any such boy from one institution to the other upon the agreement thereto by the superintendents of such institutions; *and provided, further*, that any boy committed to the Whittier State School who has passed his fifteenth birthday, and who after due trial and a reasonable opportunity has failed to make a satisfactory response to the training and instruction therein given and who has persistently resisted the discipline of said school; and any boy who has passed his fifteenth birthday and while still under commitment to said school, violates the conditions under which he may have been permitted to leave said school, shall on the recommendation of the superintendent of said Whittier school, approved by the board of trustees thereof, be transferred to and be received by the Preston School of Industry.

Court may admonish and dismiss.

When any person alleged to come within the provisions of any of subdivisions one to thirteen inclusive of section one of this act shall be found by said court to come within said provisions said court may at its discretion admonish said person and dismiss said petition.

Conditions of commitment.

No ward who is under the age of eight years and no ward who is suffering from any contagious, infectious, or other disease which would probably endanger the lives or health of the other inmates of said state schools shall be committed thereto. No person under the age of fourteen years at the time of the commission of any offense with which he may be charged shall ever be sent to a state prison unless he has first been committed to the Whittier State School, or the Preston School of Industry, and has there proved to be incorrigible or not amenable to the discipline of said school. No ward shall be committed to said state school unless the judge of said court shall be fully satisfied that the mental and physical condition and qualifications of said ward are such as to render it probable that such ward will be benefited by the reformatory educational discipline of such schools.

History of ward.

Accompanying the commitment papers, the court must send to the superintendent of the state institution to which said person is committed a summary of all the facts in the possession of the court, covering the history of the ward committed, including a statement of the mental and physical condition of said ward.

SEC. 3. Section eleven of said act, is hereby amended to read as follows: Stats. 1919,
p. 176,
amended.

Sec. 11. Any order providing for the care and custody of a ward of the juvenile court in such case where it is necessary that provision be made for the expense of support and maintenance of said ward, must direct that the whole expense of such support and maintenance of said ward, up to the amount of twenty dollars per month, shall be paid from the county treasury of the county, and in such case shall state the amount to be so paid from the county treasury of the county, the amount so ordered to be paid not to exceed, in the case of any one ward, the sum of twenty dollars in any one month. Support of
ward.

At the time of making any order providing for the support and maintenance of a ward of the juvenile court, said court shall inquire into the earnings, property or estate of said ward, and into the ability of the parent, parents, guardian of said ward, or other person liable for the support and maintenance of said ward, to pay for the expense of support and maintenance of said ward.

If it is found that twenty dollars a month is insufficient to pay the whole expense of support and maintenance of said ward, the court may order and direct that such additional amount as may be necessary shall be paid out of the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support and maintenance of said ward, to said probation officer, who shall in turn pay the same to the person, association or institution that under court order is caring for and maintaining said ward.

Said court shall further order, and direct that the county for its expense of support and maintenance of any such ward shall be reimbursed, either in whole or in part, from the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support of said ward, if it is found that there are earnings, property or estate of said ward sufficient therefor, or that said parent, parents, guardian of said ward, or other person liable for the support of said ward, is able to pay, either in whole or in part, for such expense of support and maintenance of said ward, and for the purpose of said reimbursement may order and direct payments to be made to the probation officer from the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support of said ward, the amount of which payments shall be determined by said court and which said payments shall be paid by said probation officer in turn to the county treasurer of said county on account of said reimbursement. Reimburse-
ment of
county.

No order for payment shall be made in a sum in excess of the actual cost of supporting and maintaining said ward. No order for the payment from the county treasury of the expense of support and maintenance of a ward of the juvenile court shall be effective for more than six months, and upon all said

original and all subsequent hearings the case shall be continued on the calendar, but in no instance to exceed six months; *provided, however*, that in the case of each person committed to any state school there shall be paid monthly to the state treasurer the sum of twenty dollars by the county from which such person is committed, for and during each month or part of month such person so committed remains in such state school or in any other state school within this state to which such person may be transferred.

Accounts of
probation
officer.

For the purpose of handling the reimbursement and other payments provided for herein said probation officer shall keep suitable books and accounts and shall give and keep suitable receipts and vouchers, and if such funds shall be by said probation officer kept in a bank, said bank shall be designated by the judge of said court. The auditor of said county annually in the month of January shall audit such books and accounts and shall make a report thereon to the judge of said court and to the supervisors of such county prior to the thirty-first day of said month of January.

Extent of
parent's
control.

In all cases the court may determine whether or not the parent, parents, or guardian shall exercise any control of said ward and define the extent thereof.

Any disobedience or interference with any order of the juvenile court or of the judge thereof shall constitute a contempt of court.

Compliance
with court
orders.

It shall be the duty of the probation officer to see that such parent, parents, guardian of said ward, or other person liable therefor, comply with such orders, or upon failure to make any payment directed in such orders, to report such failure to such court. The court may at any time set aside, change or modify any order herein provided for.

Execution
to enforce
payments.

Where said juvenile court has ordered payment of money to be made as reimbursement to the county for the expense of support and maintenance of any ward as herein provided for or as additional amount for the expense of support and maintenance of said ward for said person, association or institution that under court order is caring for and maintaining said ward, either from the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support of said ward, execution may issue for such payment or payments upon the order and at the discretion of said court, upon affidavit of said probation officer showing that any payment or payments are due and have not been made.

Stats. 1915,
p. 1235,
amended.

SEC. 4. Section twelve of said act is hereby amended to read as follows:

Jurisdiction
retained
until ward is
twenty-one
years.

Sec. 12. The court shall retain the jurisdiction of any person who is found to be a ward of the juvenile court until such ward attains the age of twenty-one years, unless, if the ward is a girl, she is married with the consent of the court entered upon the minutes of the court, or until said court is satisfied that said ward has fully reformed or that further

direction and supervision under the provisions of this act are unnecessary or inadvisable for said ward's reformation; *provided, however*, that if the ward has attained the age of nineteen years or more at the time of commitment the court shall retain jurisdiction for two years from and after the date of commitment.

SEC. 5. A new section is hereby added to said act, to be numbered nineteen *x* forty-five to read as follows:

Sec. 19~~x~~45. In counties of the forty-fifth class there shall be one probation officer whose salary shall be thirty-five dollars per month. Counties of 45th class. salary of probation officer.

SEC. 6. The provisions of section five of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment, under the provisions of such statutes. Effect of section 5.

CHAPTER 513.

An act to amend section four thousand two hundred eighty two of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-third class.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred eighty-two of the Political Code is hereby amended to read as follows:

4282. In counties of the fifty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of 53d class. salaries of officers.

1. The county clerk, one thousand eight hundred dollars per annum. County clerk.

2. The sheriff, three thousand eight hundred dollars per annum. Sheriff.

3. The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall exceed one hundred dollars in any one month, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of one hundred dollars in any one month, so collected; *and provided*, that the recorder may retain for his own use all fees collected for filing and recording proofs of labor and notices of location of mining claims. Recorder.

- Auditor. 4. The auditor, six hundred dollars per annum.
- Treasurer. 5. The treasurer, one thousand four hundred dollars per annum.
- Tax collector. 6. The tax collector, one thousand two hundred dollars per annum, and ten per cent of all licenses collected by him.
- Assessor. 7. The assessor, one thousand nine hundred dollars per annum.
- District attorney. 8. The district attorney, one thousand six hundred dollars per annum.
- Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.
- Public administrator. 10. Public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools. 11. Superintendent of schools, one thousand two hundred dollars per annum, and actual traveling expenses of visiting schools of the county.
- Surveyor. 12. The surveyor, such fees as are now or may be hereafter allowed by law.
- Justices of the peace. 13. Justices of the peace, one hundred fifty dollars per annum.
- Constables. 14. Constables, ten dollars per month in addition to such fees as are now or may be hereafter allowed by law.
- Supervisors. 15. Supervisors, each the sum of nine hundred dollars per annum, for all services performed by them, as supervisors and members of the board of equalization. They shall act as road commissioners in their respective districts and shall receive for the service of such road commissioner three dollars per day for each day's service as such road commissioner. Such compensation as road commissioner shall not exceed three hundred dollars per annum.
- Jurors. 16. Grand jurors, and jurors of the superior court in civil and criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, twenty cents per mile, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

CHAPTER 514.

An act to amend section four thousand two hundred seventy-five of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-sixth class.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-five of the Political Code is hereby amended to read as follows:

4275. In counties of the forty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid.

2. The sheriff, four thousand five hundred dollars per annum, and the fees, mileage and commissions for the service of all papers issued by any court of the state outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

3. The recorder, three thousand dollars per annum; *provided*, that said recorder shall collect and pay into the county treasury for the use and benefit of the county all fees required by law to be collected by him.

4. The auditor, one thousand eight hundred dollars per annum.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, two thousand seven hundred fifty dollars per annum, which shall be in full for all services as tax collector and as license collector.

7. The assessor, three thousand dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county, whose salary is hereby fixed at the sum of one hundred dollars per month; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor; *and provided, further*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday of July of each year. The salary of said last mentioned deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor.

8. The district attorney, two thousand dollars per annum; *provided*, that in counties of this class the district attorney may appoint a stenographer or clerk who shall receive a salary of nine hundred dollars per annum, to be paid in equal monthly installments in the same manner at the same time and out of the same fund as is the salary of the district attorney.

- Coroner. 9. The coroner, nine hundred dollars per annum.
- Public administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools. 11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses while visiting the schools of his county, he to devote all of his time to the duties of his office.
- County librarian. 11½. The county librarian, one thousand five hundred dollars per annum.
- Surveyor. 12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer; and *provided, further*, that it shall be the duty of the board of supervisors of counties of this class to so employ him.
- Supervisors. 13. Supervisors, each the sum of one thousand dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; *provided*, that each supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning, once during each month; and that supervisors in counties of this class be allowed their traveling expenses in viewing and laying out roads and bridges and in attending to such other duties within their county as required by law.
- Classification of townships. 14. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred ten; townships having a population of two thousand four hundred and over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.
- Justices of the peace. 15. In townships of the first class, justices of the peace shall receive eighty dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid, and which sum shall be in full compensation for all services rendered by them.
- In townships of the second class, justices of the peace shall receive seventy-five dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid and which sum shall be in full compensation for all services rendered by them.
- Constables. 16. Constables in counties of this class shall receive the following monthly salaries to be paid each month out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of seventy-five dollars per month, and constables of townships of the second class shall receive a monthly

salary of sixty dollars per month; *provided, further*, that when any constable is required to serve a warrant of arrest or any other paper of a criminal case he shall be allowed mileage both going and coming, at the rate of ten cents per mile, but shall not be allowed any sum for any other expenses.

17. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, such fees as are now or may be hereafter provided by law; said compensation for per diem and transcription in criminal cases to be audited and allowed upon a written order of the court, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. Reporter.

18. In counties of this class, grand jurors and jurors in the superior court in criminal and civil cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in attending court as such juror under summons or under order of court, in going only, twenty-five cents; and in criminal cases, the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such juror, and the auditor shall then draw his warrant for the fees and mileage due such juror, and the treasurer shall pay the same. Jurors.

19. In counties of this class, witnesses, when legally required to attend upon the superior court, in criminal cases, shall be paid two dollars per day for each day's actual attendance, and twenty-five cents per mile for each mile actually traveled, in going only; and in criminal cases the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such witness, and the auditor shall then draw his warrant for the fees and mileage due such witness, and the treasurer shall pay the same. Witnesses.

CHAPTER 515.

An act to authorize the Preston School of Industry to maintain and conduct a reformatory department; to provide for the construction of buildings, and other improvements, and for equipment in connection therewith; to provide for the commitment and transfer of persons thereto and therefrom; and to provide for the conduct and administration thereof.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The Preston School of Industry is hereby authorized to establish a reformatory department for the confinement, care, training, discipline and reformation of inmates of the Preston School of Industry who are not amenable to the Reformatory department at Preston School of Industry.

discipline or instruction of said school or whose extreme delinquency or moral deficiency is such that their retention therein would be detrimental to the best interests of the responsive youths committed thereto or to the educational and moral aims thereof.

SEC. 2. Said department shall be under the direction administration and control of the trustees and superintendent of the Preston School of Industry, the same as any department of said school.

Superintendent.

The superintendent of said school shall appoint a superintendent of said department who shall be subject to the same supervision, direction and control as are employees of said school.

Location.

SEC. 3. Said department shall be located on property owned by said school as may be approved by the state board of control. Any funds property, buildings, equipment, facilities or employees under the administration of said trustees and superintendent may be used for the purposes of either of said institutions.

Transfers to and from department.

SEC. 4. Under rules and regulations established by the superintendent of the Preston School of Industry, any youth coming within the provisions of section one of this act may be transferred to said reformatory department and retained therein during such portion of the time for which he was committed to said school and under such conditions as may be approved by said superintendent.

In like manner inmates who have made satisfactory progress in said reformatory department and whose influence would not be unduly detrimental to the youths in the Preston School of Industry may be transferred to said school.

Instruction.

SEC. 5. Instruction in regular public school work shall be provided subject to the approval of the state superintendent of public instruction, but it is the intention of this act that in the reformation of inmates of said reformatory department first consideration shall be given to the acquirement of habits of industry through steady employment at useful and productive labor.

Work of inmates.

SEC. 6. The inmates of said reformatory department may manufacture or raise, for sale, such supplies or produce or articles of furniture as may be used in said reformatory department or in the Preston School of Industry or any other state institution, the labor of said inmates may also be utilized in the manufacture of brick or clay products and in the erection of buildings and enclosures. In the construction of buildings and enclosures for the use of said department regard shall be given to the minimizing the possibility of escape.

Officers.

SEC. 7. All officers and employees of said reformatory department shall have the general powers and privileges of peace officers. The laws governing the prisons of this state in relation to escapes, prevention of escapes suppression of riots, revolts, mutinies or insurrections and the punishment for

Laws applicable.

crimes committed therein are hereby made applicable to said reformatory department.

SEC. 8. With the approval of the director of the California bureau of juvenile research, there may be established at said school a laboratory through which juvenile research and psychological work in said department shall be conducted. The superintendent shall provide such accommodations and equipment and meet such expense as shall be approved by the state board of control.

Laboratory
for juvenile
research.

SEC. 9. Upon the discharge or dismissal of any inmate the superintendent may procure transportation for him and may provide him with suitable clothing and with such amount of money as may be authorized under rules and regulations approved by the board of trustees.

Aid to
inmates on
dismissal.

SEC. 10. The invalidity of any part of this act shall not be construed to affect the validity of any other part capable of having practical operation and effect without the invalid part.

Validity
of act.

CHAPTER 516.

An act to amend the title and section one of "An act to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution, and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of such institution and to make an appropriation therefor," approved June 1, 1917.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The title of an act entitled, "An act to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution, and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of such institution and to make

Pacific
colony
act.

an appropriation therefor" is hereby amended to read as follows: "An act to be known as the 'Pacific colony act' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of such institution and to make an appropriation therefor, as approved June 1, 1917.

Stats. 1917,
p. 1623,
amended.

Pacific
colony
act.

SEC. 2. Section one of said act is hereby amended to read as follows:

Section 1. This act shall be known as the "Pacific colony act." There is hereby created an institution to be known as the "Pacific colony" and which is hereby declared to be a corporation.

CHAPTER 517.

An act amending the juvenile court law, by amending section twenty of an act to be known as "the juvenile court law, and concerning persons under the age of twenty-one years, and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith." approved June 5, 1915, statutes 1915, as amended.

[Approved May 28, 1921. In effect July 20, 1921.]

The people of the State of California do enact as follows:

Stats. 1915,
p. 1245,
amended.

SECTION 1. Section twenty of an act to be known as "the juvenile court law, and concerning persons under the age of twenty-one years, and in certain cases providing for their

care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, statutes 1915, as amended.

Sec. 20. The probation officer shall inquire into the antecedents, character, family history, and environment of every person brought before the court, and of every person alleged to be a person who should be declared free from the custody and control of his parents, and into the cause of such person being brought before the juvenile court, and shall make his report in writing to the judge thereof. Said report shall not be by the clerk with whom the same is filed made public, nor shall the same be allowed to be inspected by any person except the parties mentioned therein or their attorneys, unless the court before which the proceeding is pending shall for good cause by minute order so direct.

Whenever application is made to the district attorney of the county for the drawing of a petition hereunder it shall be the duty of the said probation officer to make such investigation as may be required by the said district attorney, or if the application has been made to the probation officer, said probation officer shall make such investigation as to him may seem necessary for the purpose of determining the necessity for the filing of a petition. If, after such investigation it appears to said district attorney or to said probation officer to whom said application has been made that proceedings should not be brought hereunder, said district attorney or said probation officer to whom said application has been made may refuse to draw said petition.

It shall also be the duty of the probation officer to be present in court to represent the interests of said person when the case is heard, and to furnish to the court such information and assistance as the court may require and to make such report at such time; and to take charge of said person before and after the hearing as may be ordered. Every probation officer, assistant probation officer and deputy probation officer shall have the power of a peace officer. At any time the probation officer may bring any such ward committed to his care before the court with written report and recommendation for such further order or other action as the court may deem proper.

Before any such ward is recommitted, the probation officer shall inquire into the reasons assigned for such action and shall be present in court to represent the interests of such ward.

Power of attendance officer.

Every probation officer shall have the powers of a school attendance officer, in such portions of the county, in which such probation officer has been appointed, as are not otherwise provided with a school attendance officer, and shall exercise such powers when not inconsistent with his other duties.

Report.

Every probation officer, within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document a report to the judge of the juvenile court of the county in which such probation officer is appointed, and shall furnish to the county board of supervisors and to the secretary of the state board of charities and corrections of this state a copy thereof. Such report, without giving names, shall state separately the exact number of neglected, dependent, and delinquent persons and wards of the juvenile court that remain under commitment to the care and custody of the probation officer, and the exact number of such persons of whose cases other disposition has been made, as such number exists, deducting all cases dismissed or discharged as reformed, or where such person has passed the age of twenty-one years upon such thirty-first day of December, segregating such persons as having been adjudged by such juvenile court to be neglected, dependent, delinquent, or wards of the juvenile court, as the case may be, in one thousand nine hundred three, one thousand nine hundred four, one thousand nine hundred five, and so on, up to and including the calendar year for which such report is made and filed. Any of the duties of a probation officer may be performed by an assistant or deputy probation officer, and shall be so performed whenever directed by the probation officer; and it shall be the duty of the probation officer to see that his assistant and deputy probation officers perform their duties.

CHAPTER 518.

An act to add a new section to the Political Code to be numbered one thousand five hundred twenty-seven a, relating to retirement salaries of teachers employed in state schools and state institutions.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered one thousand five hundred twenty-seven a, and to read as follows:

Retirement salaries of teachers in state schools and institutions.

1527a. All teachers employed by the California Polytechnic School in the county of San Luis Obispo, the California School for Girls, the California School for the Deaf and Blind, the Preston School of Industry, the Sonoma State

Home, Pacific Colony, and the Whittier State School holding valid certificates in this state shall be subject to the burdens and entitled to all the benefits of an act entitled, "An act to provide for the payment of retirement salaries to public school teachers: creating a public school teachers' retirement salary fund, and also a public school teachers' permanent salary fund; providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913; and the contributions of said teachers shall be collected and paid into the treasury of the state in the same manner as in the several state normal schools.

CHAPTER 519.

An act providing for farm and home aid for veterans, defining the powers and duties of the veterans' welfare board in respect thereto and making an appropriation therefor.

[Approved MAY 30, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. This act may be cited as the "veterans' farm and home purchase act."

SEC. 2. As used in this act the term "veteran" includes any individual who has served on active duty in the army, navy or marine corps of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include—

1. Any individual at any time after April 5, 1917, and before November 12, 1918, or thereafter separated from such forces under other than honorable conditions.

2. Any conscientious objector who performed no military duty whatever or refused to wear the uniform; or

3. Any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

SEC. 3. The object of this act is to furnish to veterans the opportunity to purchase farms, homes and home sites, and the administration of the provisions hereof is hereby vested in the veterans' welfare board as created by the California veterans' welfare act adopted at the forty-fourth session of the legislature of the State of California.

SEC. 4. The board may purchase for sale to a veteran land for agricultural purposes not exceeding in value the sum of seven thousand five hundred dollars or a home or home site not exceeding in value the sum of five thousand dollars; *pro-*

title.

"Veteran" defined.

Individuals not included.

Veterans' welfare board to administer.

Purchase of farm land and home sites.

vided, however, that no veteran who has taken advantage of the benefits of the California veterans' welfare act or of educational opportunities furnished by any act adopted at the forty-fourth session of the legislature of the State of California, or who has received a bonus or adjusted compensation from this state shall be permitted to take advantage of the opportunities offered under this act; provided, further, that no veteran shall receive the benefits of this act who would thereby become the holder of land exceeding in value, in the case of a farm, the sum of seven thousand five hundred dollars, or in the case of a home or home site, the sum of five thousand dollars; provided, further, that in any sales preference must be given to veterans who were wounded or disabled while a member of the military or naval forces of the United States, and who are otherwise qualified.

Preference to disabled veterans.

Listing of real estate.

SEC. 5. Any person, firm or corporation within the State of California may list any real estate therein for the price at which the same will be sold by the person listing same with the board in such form, and with such specifications, as the board may direct.

Application to board.

SEC. 6. Whenever a veteran has selected the land or home he desires to purchase under the provisions hereof, whether said property has been listed with the board or not, he shall file his application with the board in such form as may be prescribed by the board, setting forth such information as may be required by the board. Whenever such an application is made, the board, if satisfied of the desirability of the real estate and of the ability of the applicant, and that such applicant is a veteran and that such applicant has agreed with the board to actually reside upon such real estate within six months from the date of the purchase by the board, and that the price to be paid by the board for the real estate desired to be purchased does not exceed the sum of seven thousand five hundred dollars in the case of a farm, or five thousand dollars in the case of a home or home site, shall be empowered to enter into a contract of purchase with the owner and to purchase from the owner thereof upon such terms as may be by them agreed. The board shall enter into a contract with the applicant for the sale of said land to said applicant at a price to be fixed by the board, which will make the purchase price and sale price reciprocal, taking into account the difference, if any, in the interest rate to be paid on deferred installments by the board and the applicant respectively, which price shall include the cost of such real estate and all expenses and costs incurred and estimated to be incurred by the board in relation thereto, inclusive of interest, administration, appraisals, examination of title, incidental expenses and such sum as shall be deemed necessary to meet unforeseen contingencies; *provided*, that the applicant repurchasing the land from the board must make an initial payment of at least ten per cent of the purchase price of the land, in the case of a farm, and five per cent in the case of a home or home site.

Contract with applicant.

Terms

The balance of said purchase price may be amortized over a period to be fixed by the board not exceeding forty years, together with interest thereon at the rate of five per cent per annum compounded at periods to be fixed by the board; *provided, however*, that in each case the farm or home purchaser shall have the right on any installment date to pay any or all installments still remaining unpaid; *provided, however*, that in any individual case the board may for good cause postpone from time to time the whole or any part of the principal or interest of any payment other than the initial payment upon such terms as the board may deem proper. The board is empowered in each individual case to determine the terms of the contract entered into with the applicant, but no real estate sold under the provisions of this act shall be transferred, assigned, mortgaged, or sublet, in whole or in part, without the written consent of the board, until the purchaser has paid therefor in full and has complied with all the terms and conditions of his contract of purchase. Before entering into any contract for the purchase of real estate by the board there must be filed with the board an appraisal of the market value of the real estate proposed to be purchased by the president, cashier or manager of a banking corporation formed under and by virtue of the laws of the State of California and having its principal place of business in the county or city and county in which the real estate or some portion thereof is situate; *providing*, that if there be no such banking corporation having its principal place of business in the county or city and county in which the real estate is situate, then by the president, cashier or manager of a banking corporation organized under and in accordance with the laws of California and having its principal place of business in a county adjacent thereto; and by an inheritance tax appraiser of the county in which said real estate or some portion thereof is situated and by at least two members of the board. Each appraisal shall be verified by the maker thereof which verification shall state, among other things, that it is made in good faith and that the valuation is honestly determined and represents the bona fide opinion of the maker.

Consent of board to transfer.

Appraisal of real estate.

Sec. 7. The contract entered into between the board and an approved purchaser shall contain, among other things, provisions that the purchaser shall maintain said farm or home as his place of residence and keep in good order and repair all buildings, fences and other permanent improvements situate thereon and that each purchaser shall, if required, insure and keep insured against fire all buildings on said land, the policies thereof to be made out in favor of the board and to such amount or amounts and in such insurance companies as may be by it specified. The board may require that the purchaser shall give some form of personal insurance, either accident or health, or some other form sufficient to carry him or his family through a period of illness, or to enable him to make his payments when due.

Duties of purchaser.

Examination
of title.

The board, before consummating a purchase under the provisions of this act, shall cause the title of the real estate sought to be purchased to be examined and may require for that purpose either an abstract or an unlimited certificate of title and may refer the same to the attorney general for his opinion.

Cancellation
of contract.

In the event of a failure of a farm or home purchaser to comply with any of the terms of his contract of purchase, the board may cancel such contract under the same conditions and with the same effect, including the right of a resale after forfeiture, as provided for the cancellation of a settler's contract of purchase under the provisions of the California veterans' welfare act adopted at the forty-fourth session of the legislature of the State of California.

Rules.

SEC. 8. The board shall have authority to make all needed rules and regulations for carrying out the provisions of this act. For the purposes of carrying out the provisions of this act the sum of two million dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated. Of this amount the sum of one million nine hundred fifty thousand dollars shall constitute a revolving fund to be known as the veterans' farm and home building fund which is calculated to be returned to the state within a period of fifty years from the effective date of this act with interest at the rate of four per cent per annum on so much thereof as shall be withdrawn from said veterans' farm and home building fund from the date of withdrawal until returned into said fund, or until returned into the general fund in the state treasury, as the case may be; *provided*, that in the event of the sale of any bonds which may be hereafter authorized to be issued to create a fund to be expended in accordance with the provisions of this act, then and in that event the said sum of one million nine hundred fifty thousand dollars hereby appropriated shall be returned into the general fund in the state treasury out of the proceeds from the sale of such bonds. The remaining fifty thousand dollars shall constitute a fund available for the payment of administrative expenses alone until such time as other moneys are available for such purposes from the sales of real estate as provided for in this act. The state controller is authorized and directed to draw warrants upon such funds from time to time upon requisition of the board approved by the state board of control and the state treasurer is hereby authorized and directed to pay such warrants.

Advances by
state board
of control.

SEC. 9. The state board of control is hereby authorized to provide for advances of money to the board needed to meet contingent expenses to such an amount not exceeding twenty-five thousand dollars, as the said board of control shall deem necessary. such advances to be administered as a revolving fund of revolving funds.

SEC. 10. The money paid by purchasers from the board shall be deposited in the veterans' farm and home building fund and be available under the same conditions as the original appropriation. Deposit of moneys paid by purchasers.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional. Constitutionality.

CHAPTER 520.

An act to amend sections one thousand two hundred seven and one thousand two hundred sixty-four of the Political Code of California, relating to elections.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand two hundred seven of the Political Code is hereby amended to read as follows:

1207. Any voter who shall spoil a ballot shall return such spoiled ballot to the ballot clerk and receive another in its place, one at a time, not to exceed three in all. All the ballots thus returned shall be immediately cancelled, by drawing a cross upon the face thereof in ink or indelible pencil, said cross to be more than three inches square, and, with those not distributed to the voters, shall be returned with the registered list and ballots, as now provided in sections 1263 and 1264 of this code. Every elector who does not vote the ballot delivered to him, shall, before leaving the polling place return such ballot to the ballot clerk having charge of the ballots, who shall immediately cancel the same and return it in the same manner as spoiled ballots. The ballot clerks shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots given to them, and it shall be the duty of the officers receiving such returned ballots to compel such an accounting; and immediately upon the closing of the polls, and before any ballot shall be taken from the ballot boxes or either thereof, the ballot clerks must, in the presence of all persons in the room, who may desire to observe the same, proceed to deface every unused or spoiled ballot by drawing across the face thereof, in ink, or indelible pencil, two lines which shall cross each other; said cross to be more than three inches square, and said ballot Spilled and unused ballots.

clerks shall thereupon, immediately, and before any ballots be taken from the ballot box, or either thereof, place all said ballots thus defaced within an envelope and seal said envelope, and thereupon a majority of the election officers shall immediately write their names across the sealed portion of said envelope.

SEC. 2. Section one thousand two hundred sixty-four of the Political Code is hereby amended to read as follows:

Delivery of packages.

1264. The member to whom such packages are delivered, must, without delay, deliver such packages without their having been opened, to the county clerk, nearest postmaster, or sworn express agent, who shall endorse on such packages the name of the party delivering them, and the date of such delivery. If delivered to a postmaster or express agent, such postmaster or express agent shall forward the packages by the first mail or express to the county seat. In the city and county of San Francisco, such packages must be delivered to the registrar of voters within three hours from the time of adjournment of the board, which time of adjournment must be endorsed upon such package, and upon each poll list, in ink, or indelible pencil, and signed by a majority of the members of such board. In the city and county of San Francisco the packages must be put up and sealed in the following manner: by an inspector, and at least three other members of the board, and be signed with their respective signatures across (flap) the same written:

One package to contain the voted ballots only; one package to contain one poll and tally list only; one package to contain the precinct registers only, one package to contain index to register, list of voters challenged, and list of assisted voters; and one package to contain the unused ballots.

CHAPTER 521.

An act to amend section one of an act entitled "An act to provide for the formation, government, operation and dissolution of Tamalpais forest fire district, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property from injury loss, or damage resulting from any such fires, and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein, and the contribution or payment of public funds therefor," approved May 21, 1917, relating to the boundaries of Tamalpais forest fire district, and providing for the inclusion therein of additional territory.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 774,
amended.

SECTION 1. Section one of an act entitled "An act to provide for the formation, government, operation and dissolution of Tamalpais forest fire district, to prevent and extinguish forest,

brush and grass fires therein, and protect persons and property from injury loss, or damage resulting from any such fires, and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein, and the contribution or payment of public funds therefor" approved May 21, 1917, is hereby amended to read as follows:

Section 1. There is hereby organized, created, established and incorporated a forest fire district within the county of Marin, to be known as "Tamalpais forest fire district" the boundaries of which are hereby established and determined as follows, to wit:

Commencing at a point where the center line of the state highway intersects the northwesterly boundary line of those certain lands shown and delineated as the lands of the Sausalito Land and Ferry Company, upon that certain map entitled "Official map of the lands of the Sausalito Land and Ferry Company" filed in the office of the county recorder of the county of Marin, State of California on the twenty-sixth day of April, 1869, said point of beginning being upon the southeasterly banks of Coyote creek at the easterly end of the concrete bridge; running thence southwesterly and southerly along the northwesterly boundary line of the said lands of the Sausalito Land and Ferry Company, aforesaid, to the common corner of ranches A, E and F as said ranches are shown and delineated on that certain map entitled "Tamalpais Land and Water Company map No. 3" which said map is recorded in the office of the county recorder of the county of Marin, State of California, in book one of maps, at page 104; thence southerly and following the easterly boundary line of ranches F, G and H as said ranches are shown upon the said Tamalpais Land and Water Company map No. 3, through Tennessee valley to the northeasterly boundary line of ranch I, as shown upon said last mentioned map; thence along the easterly line of said ranch I to the southeasterly corner of said ranch; and thence southwesterly along the southerly boundary line of said ranch I to high water mark on the Pacific ocean; thence following the line of ordinary high tide aforesaid of the Pacific ocean northwesterly to a point situated at Bolinas beach at high water mark and upon a prolongation southwesterly of the southeasterly line of that certain street marked "Calle del Occidente" upon that certain map entitled "Map of the Charles Robinson tract, subdivision one," which said map was filed in the office of the county recorder of Marin county, State of California, in book four of maps, page 47; thence north thirty-two degrees thirty-two minutes east along the prolongation of said southeasterly line of said street and along the said southeasterly line of said street and along the prolongation thereof northeasterly until the prolongation thereof intersects the high water mark of Bolinas inner bay or lagoon; thence following the line of ordinary high tide in Bolinas inner bay or lagoon aforesaid to a point near the northwesterly extremity thereof where said line of ordinary

Tamalpais
forest fire
district
organized.

Boundaries.

Tamalpais
fire district
boundaries.

high tide intersects the westerly boundary line of the lands of James G. Wilkins and others, and thence following the said westerly line of said lands of James G. Wilkins and others to the lower county road leading from Bolinas to Olema; running thence northwesterly along said Bolinas and Olema county road to its intersection with the Tocaloma road at the village of Olema; running thence easterly along said county road leading to Tocaloma to its intersection with the county road running along the easterly bank of Paper Mill creek; running thence northerly and easterly along said county road running along the easterly bank of Paper Mill creek to the mouth of Nicasio creek; running thence up the county road running up Nicasio creek in an easterly and southerly direction, through the village of Nicasio to the intersection of the Nicasio and San Geronimo county road with the Lucas valley county road; thence easterly and along said Lucas valley county road to a point thereon at the summit near a large boulder known as "Big Rock" on the northwesterly boundary of that certain ranch known as the "Victor Sartori ranch"; thence northerly along said last mentioned line, following the northerly boundary of San Rafael township to the line of ordinary high tide in San Pablo bay; thence in a general southerly and westerly direction along the line of ordinary high tide in San Pablo bay and San Francisco bay to the northeasterly corporate limits of the city of San Rafael; thence westerly, northerly and westerly along the northerly corporate limits of the city of San Rafael to the easterly corporate limits of the town of San Anselmo; thence southerly along the easterly corporate limits of the town of San Anselmo to the easterly corporate limits of the town of Ross; thence southerly along the easterly corporate limits of the town of Ross and westerly along the southerly corporate limits of the town of Ross to the intersection thereof with the state highway; thence southerly along the state highway to the northwesterly corporate limits of the town of Larkspur; thence northerly, easterly and southerly along the corporate limits of the town of Larkspur to their intersection with the northerly corporate limits of the town of Corte Madera; thence easterly, southerly and westerly along the corporate limits of the town of Corte Madera to their intersection with the state highway and thence along the state highway to the point of beginning.

CHAPTER 522.

-An act to add a new section to be numbered section nineteen x twenty-three to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons,

and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment of commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to salaries of probation officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, to be numbered nineteen & twenty-three, and to read as follows:

Sec. 19&23. In counties of the twenty-third class there shall be one probation officer whose salary shall be one hundred seventy-five dollars per month.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

Juvenile
court
law.

Counties of
23d class,
salary of
probation
officer.
Effect of
act.

CHAPTER 523.

An act to amend an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same: to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended, by amending sections thirteen, eighteen, and twenty-two thereof.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 722,
amended.

SECTION 1. Section thirteen of the act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended, is hereby amended to read as follows:

Certificate
of birth.

Sec. 13. Within four days after the date of each birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth, which certificate shall be upon the form adopted by the state board of health with a view to procuring a full and accurate report with respect to each item of information enumerated in section fourteen of this act.

In sparsely settled districts or where there is no direct mail communication with the county seat a reasonable time shall be fixed by the local registrar.

In each case where a physician, or midwife, or person acting as midwife, was in attendance upon the birth, it shall be the duty of such physician to file in accordance herewith the certificate herein contemplated.

In case no physician was in attendance it shall be the duty of the midwife or person acting as midwife to file such certificate.

In every case it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred or the manager or superintendent of the public or private institution where the birth occurred, each in the order named, within ten days after the date of such birth, to report to the local registrar the fact of such birth. In such case and in case the physician, midwife, or person acting as midwife, in attendance upon the birth is unable, by diligent inquiry, to obtain any item or items of information contemplated in section fourteen of this act, it shall then be the duty of the local registrar to secure from the person so reporting, or from any other person having the required knowledge, such information as will enable him to prepare the certificate of birth herein contemplated, and it shall be the duty of the person reporting the birth or who may be interrogated in relation thereto to answer correctly and to the best of his knowledge all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth as contemplated by said section fourteen, and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature, when requested so to do by the local registrar.

Report to
local
registrar.

SEC. 2. Section eighteen of said act is hereby amended to read as follows:

Stats 1910,
p. 448,
amended.

Sec. 18. The state registrar shall prepare and distribute all forms and blanks for use in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other forms or blanks shall be used than those prepared by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, undertakers, clergymen, or judges, and all other persons having knowledge of the facts, are hereby required to supply, upon the forms provided or upon the original certificate, such information as they may possess regarding any birth or death or marriage upon demand of the state registrar, in person, by mail, or through the local registrar; *provided*, that no certificate of birth or death or marriage, after its acceptance for registration by the local registrar, and no other record made in pursuance of this act, shall be altered or changed in any respect, except where supplemental information required for statistical purposes is furnished.

Forms and
blanks.

Record
not to be
changed.

When facts
not correctly
stated.

(a) Whenever it may be alleged that the facts are not correctly stated in any certificate of birth, death, or marriage, already registered, the local registrar shall require an affidavit under oath to be made by the person asserting the fact, setting forth the changes necessary to make the record correct, and supported by the affidavit of one other credible person having knowledge of the facts. Having received such affidavits, the local registrar shall file them together with an amended certificate and he shall note the fact of the amendment with its date on the margin of the otherwise unaltered original certificate. He shall transmit the original certificate with the affidavits and amended certificate attached when making his regular monthly returns to the state registrar. He shall also retain copies for his files. If the correction relates to a certificate previously returned to the state registrar the local registrar shall forthwith transmit the affidavits to the state registrar. If the correction is first made in the state bureau of vital statistics the state registrar shall transmit a certified copy of the amended certificate to the local registrar.

Preservation
of
certificates.

The state registrar shall further arrange, bind and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered; said index to be arranged alphabetically, in the case of deaths, by the names of decedents, and in the case of births, by the names of fathers and maiden names of mothers, and in the case of marriages by the names of both grooms and brides. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread. If any cemetery company or association, or any church or historical society or association, or any other company, society or association, or any individual, is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of his state, such company, society, association or individual, may file such record or a duly authenticated transcript thereof with the state registrar, and it shall be the duty of the state registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the state registrar may prescribe. If any person desires a transcript of any record filed in accordance herewith, the state registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record, as filed in his office,

Notice of
infectious
diseases.

Records of
church,
association,
etc.

SEC. 3. Section twenty-two of said act is hereby amended to read as follows: Stats. 1915,
p. 587,
amended.

Sec. 22. Any person, who for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership, (a) shall inter, cremate, or otherwise finally dispose of the dead body of a human being, or permit the same to be done, or shall remove said body from the primary registration district in which the death occurred or the body was found, except as provided in section five of this act without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or (b) shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this act; or (c) shall wilfully alter, otherwise than is provided by section eighteen of this act, or shall falsify any certificate of birth or death, or any record established by this act; or (d) being required by this act to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect, or refuse to perform such duty in the manner required by this act; or (e) being a local registrar, deputy registrar, or sub-registrar, shall fail, neglect, or refuse to perform his duty as required by this act and by the instructions and direction of the state registrar thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall for the first offense be fined not less than five dollars; for each subsequent offense not less than fifty dollars, or be imprisoned in the county jail not more than sixty days, or both fine and imprisonment in the discretion of the court. Penalties.

CHAPTER 524.

An act to cure defects in maps or plats filed for record prior to January 1, 1921, and in deeds or conveyances referring to such maps.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Any map or plat recorded or filed with the county recorder of the county in which the lands shown on said map or plat are situated prior to the first day of January, one thousand nine hundred twenty-one, shall for all purposes be deemed to have been properly so recorded or filed and to comply with all the requirements of the laws in force at the time it was so recorded or filed, notwithstanding any defect, omission or informality in the preparation or execution of such map or plat or of the affidavits, certificates, acknowledgments, indorse- Defects in
certain
instruments
cured.

ments, acceptances of dedication or other matters thereon, or required to be thereon, by any law in force at the time of such recording or filing, and all sales or conveyances of land by reference to any such map or plat shall be valid as though said map or plat had been made, certified, indorsed, acknowledged and filed in all respects in accordance with the laws in force at the time said map or plat was so recorded or filed. And any deed or conveyance referring to any such map or plat, which prior to the passage hereof, was copied into the proper book of records kept in the office of any county recorder shall impart after the passage hereof notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect, omission or informality in the preparation or execution of such map or plat or of the affidavits, certificates, acknowledgments, indorsements, acceptances of dedication or other matters thereon or required to be thereon by any law in force at the time of such recording or filing.

CHAPTER 525.

An act to repeal an act entitled "An act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections: and providing for the punishment of all violations of the provisions of this act," approved March 20, 1903, as amended.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats. 1903,
p. 262,
repealed.

SECTION 1. An act entitled "An act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this act," approved March 20, 1903, as amended, is hereby repealed.

CHAPTER 526.

An act to amend section three of an act entitled "An act to provide for the development of electrical power by irrigation districts," approved May 21, 1919, relating to the issuance of bonds.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section three of an act entitled "An act to provide for the development of electrical power by irrigation districts," approved May 21, 1919, is hereby amended to read as follows: Stats. 1919, p. 778, amended

Sec. 3. In case funds are not otherwise available an irrigation district may issue bonds for such purpose and all of the provisions of the California irrigation district act, relating to the issuance of bonds for other purposes, and all other acts relative to bonds issued under the California irrigation district act, in so far as the same are applicable to said bonds shall apply. Bonds.

CHAPTER 527.

An act authorizing cities, towns and municipal corporations to sell and dispose of public utilities, providing for calling of special elections to vote upon the question of authorizing such sale, and regulating the manner in which the proceeds of such sale shall be applied.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Any city, town or municipal corporation incorporated under the laws of this state, may as hereinafter provided sell and dispose of any public utility owned by such city, town or municipal corporation. Cities authorized to dispose of public utilities.

SEC. 2. Whenever the legislative branch of any city, town or municipal corporation of this state shall by resolution passed by two-thirds of all its members determine that the public interest and necessity demands that any public utility owned by such city, town or municipal corporation should be sold, it may at any subsequent meeting of such legislative branch by a vote of two-thirds of all its members order the submission of the proposition of selling such public utility to the qualified voters of said city, town or municipal corporation at an election held for that purpose. The ordinance calling for such special election shall recite the object for which the election is to be held and the purpose for which the proceeds of such Election

sale is proposed to be expended, the manner of holding such election and of voting for or against the sale of such public utility, and in all particulars not recited in said ordinance such election shall be held as provided for by law for holding municipal elections in such municipality. Such ordinance shall be published once a day for at least twelve days in some newspaper published at least six days a week in such municipality or at least once a week for two weeks in some newspaper published less than six days a week in such municipality, and the insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week; *provided*, the first publication of such ordinance shall be at least two weeks prior to the date mentioned in said ordinance for holding such election. In municipalities where no such newspaper is published, such ordinance shall be posted in three public places therein for two succeeding weeks next before the day fixed for such election. It shall require the votes of two-thirds of all voters voting at such election to authorize the sale of the public utility described in the ordinance. The resolution and ordinance before mentioned may provide for the sale of more than one municipally owned public utility, but in such case the question of selling and conveying each such public utility shall be separately stated in such ordinance and upon the ballots.

Two thirds
vote.

Bids for
sale of
utility.

SEC. 3. If the vote cast at the election provided for in section two hereof be in favor of the sale of the public utility mentioned in the ordinance calling for the election, the legislative branch of the city, town or municipal corporation shall immediately proceed to sell such public utility, and shall fix a date on which bids for the sale of such public utility will be received and the manner of filing such bids, and shall cause notice of such sale to be published for at least two weeks next before the day fixed for receiving bids, such notice shall be published in the manner provided in section two hereof for the publication of the ordinance calling for and giving notice of such election, and in case no newspaper is published in such municipality, said notice shall be posted in three public places therein for two succeeding weeks next before the date fixed for receiving bids. At the date fixed for receiving bids the legislative branch of such city, town or municipal corporation shall open and examine all bids received and may sell such public utility to the highest and best bidder therefor; *provided, however*, that if the bids received, in the opinion of the legislative branch of such city, town or municipal corporation, are inadequate or disproportionate to the value of such public utility, such legislative branch shall have the right to reject all bids and may proceed to give new notice of the sale of such public utility in the manner hereinbefore provided.

Award to
highest
bidder.

Deed
conveying
utility.

SEC. 4. When any bid submitted in accordance with the provisions of this act is accepted by the legislative branch of any city, town, or municipal corporation, such legislative branch is hereby empowered by resolution adopted by it to

authorize its mayor, or president of its board of trustees, or other chief executive officer, and its clerk, to execute, acknowledge and deliver for and on behalf of such city, town or municipal corporation, in its name and under its corporate seal, a good and sufficient deed conveying such municipally owned public utility unto the successful bidder, upon receiving from such successful bidder, in cash, the full amount of the bid, and the promise of such bidder to continue to operate such public utility, and such deed of conveyance shall operate to convey to the successful bidder all of such municipality's right, title, interest and estate in and to the municipally owned public utility therein described.

SEC. 5. The proceeds, of the sale of such public utility shall be placed in the municipal treasury and shall be applied exclusively for the purposes and objects mentioned in the ordinance calling for and giving notice of the election. Proceeds of sale.

CHAPTER 528.

An act to amend section four thousand two hundred sixty of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty-first class.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty of the Political Code is hereby amended so as to read as follows:

4260. In counties of the thirty-first class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit: Counties of 35th class, salaries of officers.

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling the great register of the county. In counties of this class the county clerk may appoint a deputy county clerk at a salary of one thousand five hundred dollars per annum, and a copyist and stenographer at a salary of seven hundred twenty dollars per annum, which offices are hereby created and said salaries fixed, to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. The county clerk may appoint such number of deputies as may be necessary for the convenient registration of electors in their respective precincts or townships, and each such registration deputy shall receive as compensation for all services performed as such the sum of ten cents per name for each elector registered by him to be paid monthly, at the same County clerk

time, in the same manner and out of the same fund as salaries of county officers are paid; *provided*, that each such registration deputy, when so appointed, shall, prior to the drawing of any warrant for such compensation, first file with the auditor a statement, verified by the oath of such registration deputy, and approved in writing by the county clerk, showing the number of electors so registered by him during the period covered by such statement. The county clerk shall also receive and retain for his own use such fees as are now or may hereafter be allowed by law for issuing hunting and fishing licenses, for the naturalization of persons desiring to become citizens, and such other fees of similar character as are now or may hereafter be allowed by law for the performance of any service rendered by the county clerk other than in his official character as county clerk. All other fees or commissions shall be collected by the county clerk and shall be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum. In counties of this class the sheriff may appoint an under-sheriff, which office of under-sheriff is hereby created, and said under-sheriff shall receive as compensation for all services performed as such the sum of one thousand eight hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff shall be allowed such sum as the board of supervisors shall fix for the board of prisoners confined in the county jail, and his actual necessary expenses for pursuing, searching for and arresting criminals and persons charged with being insane, and for conveying prisoners and persons charged with being insane to court and to prison or other place of confinement or detention and to and from state prisons, state hospitals and other institutions, and his actual necessary expenses for keeping, preserving and selling property seized, held or sold on attachment, execution or other process, and for the service and posting of all process papers and notices required by law to be served or posted by the sheriff. All such actual necessary expenses and said sum for the board of prisoners shall be a proper legal charge against the county and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. The sheriff shall collect from the state all per diem and expenses incurred in conveying prisoners and persons adjudged insane, to and from state prisons, state hospitals and other institutions and pay the same, when so collected, into the county treasury, and the same and all other fees, commissions and compensations other than as hereinabove provided, which, in other counties of other classes, are allowed by law to the sheriff, as a part of his compensation, shall be

paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

3. The recorder, two thousand dollars per annum; *provided*, Recorder. that in counties of this class the recorder may appoint a deputy which office is hereby created, and said deputy county recorder, shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, payable out of the county treasury in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. The recorder may employ as many copyists as may be required, who shall receive as compensation, the sum of five cents per folio for recording any instrument or notice, except maps or plats, and for making copies of any records or papers, five cents per folio. The salaries of such copyists shall be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as copyists and the amount due to each for such copying. All fees, commissions or other compensation allowed by law to the recorder in other counties of other classes, as a part of his compensation, shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

4. The auditor, two thousand four hundred dollars per Auditor. annum; *provided*, that in counties of this class the auditor may appoint a deputy, which office of deputy auditor is hereby created, and said deputy auditor shall receive as compensation for all services performed as such, the sum of nine hundred dollars, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties of this class the auditor may appoint additional deputies, to serve during the month that installments of taxes on real property are due and payable but not delinquent, and such deputy auditor shall receive as compensation for all services performed as such the sum of three dollars per day for each day actually employed, and the total compensation, in the aggregate, shall not exceed the sum of two hundred twenty-five dollars per annum for all additional deputies employed. Such compensation shall be paid out of the county treasury, at the same time and out of the same fund as salaries of county officers are paid.

5. The county treasurer, two thousand dollars per annum; County treasurer. *provided*, that in counties of this class the treasurer may appoint a deputy, which office of deputy treasurer is hereby created, and the said deputy treasurer shall receive as compensation for all services performed as such the sum of nine hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. All fees, commissions or other com-

penetration allowed by law to the treasurer in other counties of other classes shall be collected by the treasurer and be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation; *provided*, that commencing upon the expiration of the office of the present incumbent the salary of said treasurer shall be three thousand dollars, and the allowance for such deputy shall cease.

Tax
collector.

6. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class the tax collector may appoint a deputy tax collector, which office of deputy tax collector is hereby created, and said deputy tax collector shall receive as compensation for all services performed as such, the sum of nine hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties of this class the tax collector may appoint a cashier which office of cashier to the tax collector is hereby created, and said cashier shall receive as compensation for all services performed as such the sum of four dollars per day for each day actually employed as such, to be paid out of the county treasury in the same manner, at the same time, and out of the same fund as salaries of county officers are paid; *provided*, that such cashier shall be paid for not to exceed one hundred days in any one calendar year. All fees, commissions or compensation allowed by law to the tax collector in other counties of other classes shall be collected by the tax collector and be by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

Assessor.

7. The assessor, three thousand six hundred dollars per annum; *provided*, in counties of this class the assessor may appoint a chief deputy assessor, which office of chief deputy assessor is hereby created, and said chief deputy assessor shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner, and out of the same fund as salaries of county officers are paid. The assessor may also appoint one copyist, which office of copyist is hereby created, to serve for not more than one hundred twenty days in any one year, and said copyist shall receive as compensation for all services performed as such, the sum of five dollars per day for each day actually and necessarily employed as such. The assessor may also appoint six field deputies, which offices of field deputies are hereby created, to serve for not exceeding ninety days in any one year, and said field deputy assessors shall each receive as compensation for all services performed as such the sum of six dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers

are paid; *providing*, that each field deputy, when so employed, shall file with the auditor a statement verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in the performance of the duties of such employment during the period covered by said statement before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for the collection of poll taxes and road poll taxes, and for services in making out the roll of persons subject to military duty, and all other fees or commissions shall be collected by the assessor and by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

8. The district attorney, two thousand five hundred dollars District attorney. per annum. In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid. The district attorney may also appoint a stenographer for service in his office, which office of stenographer to the district attorney is hereby created, and said stenographer shall receive as compensation for all services performed as such the sum of seven hundred twenty dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid.

9. The coroner, nine hundred dollars per annum. Coroner. In counties of this class the coroner shall be allowed his actual traveling expenses in the performance of his official duties in the county when called away from the county seat, which are hereby declared to be a proper legal charge against the county, and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. All fees, commissions or other compensations allowed by law to the coroner in other counties of other classes as a part of his compensation shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, two thousand dollars per annum and actual necessary traveling expenses when visiting schools of the county. The superintendent of schools may appoint a deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, and said deputy superintendent of schools shall receive as compensation for all services performed as such the sum of one thousand Superintendent of schools.

two hundred dollars per annum, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid.

Surveyor.

12. The surveyor, one thousand dollars per annum, for all work performed for the county and in addition thereto his actual necessary traveling expenses incurred in connection with field work, and also actual necessary expenses incurred in such field work and actual necessary expenses and costs of supplies in preparing maps, tracings, plats and diagrams for the county assessor or other county officers, when directed by him or them to prepare the same; *provided*, that whenever it is necessary to furnish, or otherwise make the county assessor a new and complete set of block books, the board of supervisors may employ a competent draftsman for the purpose of making such block books, who shall receive a salary of eight dollars per day for each day actually and necessarily employed, or contract with some other competent person for the making thereof. All of such expenses and costs shall be proper legal charges against the county and shall be allowed, audited and paid out of the county treasury, in the same manner that other county charges are allowed, audited and paid. All fees, commissions or other compensation allowed to the surveyor in other counties of other classes, except fees or charges for surveys made for private persons and not directed by the board of supervisors or county officers for county uses or purposes, shall be collected by the surveyor and by him paid into the county treasury and no part thereof, except such fees or charges for such private surveys, shall be retained by him as a part of his compensation.

Classification of townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of this class are hereby classified according to their population, as shown by the federal census of 1920 as follows: Townships having a population of five thousand, or more, shall belong to and be known as townships of the first class; townships having a population of three thousand, and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand, and less than three thousand, shall belong to and be known as townships of the third class, and townships having a population of less than one thousand shall belong to and be known as townships of the fourth class.

Justices of the peace.

14. Justices of the peace shall receive the following salaries, which shall be paid monthly, out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid, to wit:

- 1. In townships of the first class, one hundred dollars per month;
- 2. In townships of the second class, seventy dollars per month;

3. In townships of the third class, forty dollars per month;

4. In townships of the fourth class, twenty-five dollars per month.

In addition to the said monthly salaries herein provided for, each justice of the peace may receive and retain for his own use fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings.

Justices of the peace, in townships of the first class, shall be allowed their actual office rent and necessary incidental expenses, not to exceed the sum of twenty-five dollars for any one month.

15. Constables shall receive the following salaries, which Constables. shall be paid monthly, out of the county treasury, at the same time, in the same manner and out of the same fund that salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit:

1. In townships of the first class, one hundred dollars per month when there is but one constable provided for said class, and seventy-five dollars per month when more than one constable is provided for said class;

2. In townships of the second class, fifty-five dollars per month;

3. In townships of the third class, thirty dollars per month;

4. In townships of the fourth class, twenty dollars per month.

In addition to said monthly salaries each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings, and shall also be allowed all necessary expenses actually incurred in arresting and pursuing criminals and in conveying prisoners to court or to prison, which said actual necessary expense shall be allowed, audited and paid out of the county treasury, in the same manner other county charges are allowed, audited and paid.

16. Each member of the board of supervisors shall receive Supervisors. one thousand two hundred dollars per annum, payable in equal monthly installments and which shall be in full for all services rendered as supervisors.

17. In counties of this class the fees of grand jurors and Jurors. trial jurors, in the superior court, in civil and criminal actions and in all special proceedings, shall be three dollars a day for each day's attendance, and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, or in attending sessions of the grand jury, in going only.

In criminal actions such fees and mileage of such trial jurors shall be paid by the treasurer, out of the general funds of the county, upon warrants drawn by the auditor, who shall draw such warrants upon the written order of the judge of the superior court in which said juror was in attendance, and the treasurer shall pay all such warrants.

18. The salaries herein provided in this act for deputies, assistants and stenographers, shall take effect and be in force from and after the approval of this act.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 529.

An act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand fourteen of the Political Code is hereby amended to read as follows:

Township
officers.

4014. The officers of a township are, two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities, or parts of cities, of the second, third, fourth, or fifth class, in which city justices or recorders are elected or appointed, there shall be but one justice of the peace, and in townships having a population of less than ten thousand, there shall be but one justice of the peace and one constable; *provided, however,* that in townships containing cities of the first and one-half class there shall be four justices of the peace and four constables. For the purpose of this section, the population of townships in the State of California is hereby determined to be the population of such townships as shown by the federal census taken in the year 1920, or by a subsequent census taken as in section four thousand fifty-five of this code provided.

Provided, however, that appointments to fill any additional offices created by this section shall not be made by the board of supervisors except upon the presentation of a petition therefor to said board, signed by not less than forty per cent of the qualified electors residents of such townships, whose names appear upon the great register of the county at the last general election.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 530.

An act to amend section one thousand five hundred ninety-six of the Political Code, relating to school election precincts and officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred ninety-six of the Political Code is hereby amended to read as follows:

1596. Trustees or boards of education charged with the calling, conduct and carrying on of elections, may subdivide the district into election precincts for the holding of the election, and may change and alter such precincts as often as occasion may require, and must appoint one inspector and two judges of election in each precinct; if none are so appointed, or, if those appointed are not present at the time for opening the polls, the electors present may appoint them, and they shall conduct the election.

School
election
precincts
and officers.

In all cities having boards of education each inspector and judge of election may be paid, out of the funds of the district, as compensation for his services as such election officer, such sum as the board of education may determine, not to exceed the amount paid from the county treasury to officers of the last preceding general election.

CHAPTER 531.

An act to amend section one thousand seven hundred thirteen of the Political Code of the State of California, relating to school district libraries.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred thirteen of the Political Code is hereby amended to read as follows:

1713. Except in cities governed by boards of education, the county superintendent of each county shall annually apportion to each school district, as a library fund, such sum as may be requested by the school trustees of such district, such request to be in writing and filed with the county superintendent of schools in the month of June of each year; but in no case shall the same sum so apportioned to any district be less than twenty-five dollars for each teacher, allowed under section one thousand eight hundred fifty-eight of this code; *provided, further*, that if the school trustees shall fail to file

Apportion-
ment for
school
district
libraries.

said request in writing as hereinbefore provided, the county superintendent shall apportion to the library fund of such district an amount not to exceed fifty dollars for each teacher as allowed under section one thousand eight hundred fifty-eight of this code.

CHAPTER 532.

An act to amend section four thousand two hundred seventy-three of the Political Code, relating to the compensation of officers of counties of the forty-fourth class.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-three of the Political Code is hereby amended to read as follows:

Counties
of the
44th class,
salaries of
officers.

4281. In counties of the forty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand two hundred dollars per annum which office is hereby created. He shall appoint said deputy, with the consent of the board of supervisors as manifest by not less than a three-fourths vote of the members thereof; said board may dismiss the said deputy at any time that he shall in its opinion fail to satisfactorily perform the duties of his office.

Sheriff.

2. The sheriff, three thousand six hundred dollars per annum, and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters; said expenses to be allowed by the board of supervisors as other county charges are allowed. He shall also have one deputy at a salary of one thousand five hundred dollars per annum, which office is hereby created; said deputy shall be appointed by the sheriff, with the consent of the board of supervisors as manifest by not less than a three-fourths vote of the members thereof; said board may dismiss the said deputy at any time that he shall in its opinion fail to satisfactorily perform his duties. The salary and allowance above named shall be compensation in full and the said sheriff shall pay over to the county all mileage, fees or other commissions received by him for service in civil matters.

Recorder.

3. The recorder, one thousand nine hundred dollars per annum.

Auditor.

4. The auditor, eight hundred dollars per annum.

Treasurer.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum, and ten per cent of all licenses collected by him as license collector. He shall have one deputy for a period of four months in each year, at a salary of one hundred twenty-five dollars per month, which office is hereby created. Said deputy shall be appointed by the tax collector, with the consent of the board of supervisors, as manifest by not less than a three-fourths vote of the members thereof: said board may dismiss the said deputy at any time that he shall in its opinion fail to satisfactorily perform his duties. Tax collector.

7. The assessor, three thousand dollars per annum and six per cent of all unsecured personal taxes collected by him, except only such portion of said tax as belongs to the school fund. He shall also have one deputy for a period of four months in each year, beginning March first and ending June thirtieth, at a salary of one hundred twenty-five dollars per month each, said deputy shall be appointed by the assessor, with the consent of the board of supervisors, as manifest by not less than a three-fourths vote of the members thereof; said board may dismiss the said deputy at any time that he shall in its opinion fail to satisfactorily perform his duties. Assessor.

8. The district attorney, two thousand four hundred dollars per annum. District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.

12. The surveyor, such fees as are now or may hereafter be allowed by law. Surveyor.

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time, and out of the same funds as the county officers are paid. In townships having a population of more than one thousand, one hundred dollars per month; in townships having a population of less than one thousand, twenty dollars per month. They shall also receive the fees that are now or may hereafter be allowed by law; and shall receive such sum as may be necessary to maintain their offices; *provided*, that such sum shall not be in excess of twenty per cent of their salary as allowed herein. The board of supervisors of such county shall furnish and supply to the justices of the peace of the various townships the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business. For the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three. Justices of the peace.

- Constables.** 14. Constables, twenty-five dollars per month, and in addition thereto all necessary and reasonable expenses for performing the duties of their office in criminal matters. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.
- Supervisors.** 15. Each member of the board of supervisors, one thousand dollars per annum, and mileage from residence to the county seat, at each sitting of the board, at twenty-five cents per mile; which said salary and mileage shall be in full for all services.
- Reporter.** 16. In counties of this class, the official reporter of the superior court shall receive a salary of seventy-five dollars per month, to cover all work done in criminal cases, both in the superior and justice's courts of the county; and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars, and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty-five cents per folio for the original, and five cents per folio for one copy, in both criminal and civil cases; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for the original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.
- Jurors.** 17. Grand jurors, and trial jurors, in criminal cases, shall receive the following fees and mileage: (1) Grand jurors, and jurors in the superior court in criminal cases, shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as jurors, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.
- Jurors in justice's court.** 18. For attending as a trial juror in criminal cases only, in any justice's court of the county, for each day's attendance, two dollars and fifty cents. The justice of the peace shall certify to the auditor the number of days' attendance of each juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.
- Witnesses.** 19. For attending as a witness in criminal cases only, in the superior court of the county, for each day's attendance, the sum of three dollars, and for each mile actually traveled in going, one way only, while acting as juror, twenty-five cents.

20. For attending as a witness in criminal cases only, in any justices court, for each day's attendance the sum of two dollars, and for each mile actually traveled in going only, while acting as a juror twenty-five cents, one way. The judge of the superior court, or the justice of the peace shall certify to the auditor the number of days attendance of each witness, and the auditor shall thereupon draw his warrant therefor and the treasurer pay the same. Witnesses in Justice's court.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 533.

An act to add a new section to be numbered section nineteen x thirty-five of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof, and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such

persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers, said section to be numbered nineteen x thirty-five to read as follows:

Counties of
35th class,
salary of
probation
officer.

19x35. In counties of the thirty-fifth class there shall be one probation officer whose salary shall be thirty-five dollars per month.

CHAPTER 534.

An act authorizing any county, city and county, city, town, district or political subdivision organized under the laws of this state to sell any unsold bonds thereof at a price netting the purchaser not more than six per cent per annum, payable semiannually.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Sale of
unsold
bonds by
city, county,
etc

SECTION 1. Any county, city and county, city, town, district or other political subdivision organized under the laws of this state may sell any bonds thereof remaining unsold, and which have heretofore been authorized by the qualified electors thereof at an election called and held as provided by law, at a price which will net the purchaser not more than the equivalent of six (6) per cent per annum, payable semiannually, on the par value of such bonds; *provided*, that this act shall not apply to any such bonds which have been authorized under a law permitting the sale thereof at a price netting the purchaser more than such equivalent.

CHAPTER 535.

An act to amend section one thousand seven hundred forty-seven of the Political Code, relating to taxation for bonds.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred forty-seven of the Political Code is hereby amended to read as follows:

1747. The board of supervisors of the county whose superintendent of schools has jurisdiction over any high school district must annually, at the time of making the levy of taxes for county purposes, levy a tax for that year upon the taxable property in such high school district for the interest and redemption of all outstanding bonds of such district, and said tax must not be less than sufficient to pay the interest of said bonds for that year, and such a portion of the principal as is to become due during such year, and in any event must be high enough to raise annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term high enough to pay such annual interest, and to pay annually a proportion of the principal of said bonds, equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all taxes so levied, when collected, shall as herein provided be paid into the county treasury of the county whose superintendent of schools has jurisdiction over the high school district in behalf of which such tax was levied to the credit of the interest and sinking fund of such high school district, and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of the county aforesaid at the place required by the terms of such bonds, upon presentation and surrender of warrants drawn by the county auditor in payment thereof after he has cancelled the bonds and coupons, or upon the receipt of the registered owner if such bonds are registered, after a proper warrant has been drawn by the auditor therefor, out of the fund provided for their payment.

Any money remaining in the interest and sinking fund of any district after the payment of all bonds and coupons payable from such fund, or any money in excess of an amount sufficient to pay all unpaid bonds and coupons payable therefrom, shall be transferred to the county fund of the district upon the order of the auditor.

In case of a high school district situated in two or more counties, the assessor of each of such counties must annually, as soon as the county assessments have been equalized by the state board of equalization certify to the board of supervisors

Taxation for
high school
district
bonds.

When
district is
in two or
more
counties.

of each of the counties in which any portion of such high school district is situated, the assessed value of all taxable property in such county situated in such high school district, and the said tax shall be so levied according to the ratio which the assessed value of the property in such high school district in any county bears to the total assessed value of the property in such district, each board of supervisors to levy upon the property in such high school district and within their own county, such rate of tax as will be sufficient to raise not less than the amount needed to pay the interest and such portion of the principal of such bonds as is to become due during such year. Said tax shall be entered upon the assessment roll and collected in the same manner as other school taxes are entered and collected and when collected paid into the treasury of such county and it shall then be the duty of the treasurer of any such county other than the one whose superintendent of schools has jurisdiction over such high school, on written demand of the treasurer of the county whose superintendent of schools has jurisdiction over such high school, to pay the sum collected on account of such tax into the treasury of the county whose superintendent of schools has jurisdiction over such high school. Whenever money has been raised for the payment of principal or interest of outstanding bonds of any high school district and the same is at the time this section takes effect in the treasury of any other county than that prescribed by this section for the custody of such funds, the same shall at once be paid into the proper county treasury as above provided.

CHAPTER 536.

An act to amend section one thousand seven hundred thirty-nine of the Political Code, relating to trustees of county high school districts.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred thirty-nine of the Political Code is hereby amended to read as follows:

1739. When a county high school district comprising an entire county is established in any county it shall be governed by a high school board which shall be elected according to the provisions of sections one thousand seven hundred thirty and one thousand seven hundred thirty-one of the Political Code, and which shall have the same power and duties in regard thereto as high school boards of other high school districts. The county superintendent of schools shall within ten days after this act goes into effect appoint a high school board of five members who shall hold office until their successors have

County
high
school
district
board.

been elected and have qualified. Within ten days after the appointment of the high school board the county board of education shall turn over to said board the control of the county high school.

Within twenty days after the appointment of the high school board, the county superintendent of schools shall call a meeting of the high school board by giving at least five days' notice by registered mail to each member thereof, for the purpose of organizing the high school board. At such meeting, the high school board shall organize by electing a president from their own number and a clerk, and may transact any other business relating to the affairs of the county high school. The election of the members of the high school board shall be held at the school house of each school district of the county on the last Friday of March of each year, and the superintendent of schools shall appoint the same number of officers of election for each school district and give the same notices of election as are required for the election of school trustees, except that the returns shall be at once sent to such superintendent of schools and he shall canvass the same and issue certificates of election to the persons elected. One member shall be elected to hold office from the day of receiving his certificate of election until the first day of May, next succeeding; two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the second succeeding May; and two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the third succeeding May. Thereafter their successors shall be elected as provided for in section one thousand seven hundred thirty-one of this code.

CHAPTER 537.

An act to amend section one thousand seven hundred thirty-three a of the Political Code, relating to high school districts.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred thirty-three a is hereby amended to read as follows:

1733a. Whenever a majority of the heads of families or of the electors residing in each of several elementary school districts having in the aggregate five hundred or more units of average daily attendance in the elementary schools, as shown by the last reports of the teachers in said districts, and having a total assessed valuation of at least three million five hundred thousand dollars, and lying two and

Organiza-
tion.

Election.

Term.

Petition for
organization
of union or
joint union
high school
district.

one-half miles or more from any public high school building by the nearest traveled road, which elementary school districts or a majority thereof are a part of one or more union or joint union high school districts of the county, as shown by the affidavits of one or more of the petitioners, shall present to the superintendent of schools who has jurisdiction over said elementary school district, or districts, or a majority thereof, a petition asking for the organization of a union high school district, or joint union high school district, as the case may be, to include all of the elementary school districts represented in said petition, and shall specify in said petition the name of the proposed union or joint union high school district, the county superintendent of schools shall, within twenty days after receiving said petition, verify the signatures thereto, and if he finds them sufficient, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning, to conduct the election therein. Said election shall be held separately and simultaneously at a public schoolhouse in each of the districts petitioning, and shall be called by posting notices thereof in three public places in each district, one of which places shall be a public schoolhouse thereof, at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published within said proposed union or joint union high school district, if there be such a newspaper, the first publication to be not less than two weeks before the election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting elections of school trustees. The ballots used at such election in each district shall contain the words "Union high school district—Yes" and "Union high school district—No," or "Joint union high school district—Yes" and "Joint union high school district—No," as the case may be, and electors voting at such election shall make a cross with pencil, ink or rubber stamp, after the answer they desire to give. It shall be the duty of the said election officers in each district to canvass the vote of said election as soon as the polls are closed, and report the result to the superintendent of schools within five days subsequent to the holding of said election. Within ten days after receiving the returns of said election, the superintendent of schools of the county or in case of a joint union high school district the superintendent of the county who would have jurisdiction over the joint school district proposed to be formed shall combine the votes "for" and "against" the formation of the union or joint union high school district and declare and record the result, with the details of the vote in each district, in a book kept by him for that purpose. If a majority of the votes cast at the election are in favor of the formation of the union or joint union high school district, he shall also file, with the county clerk of the county, or of each county in which any part of the elementary school districts are situated, a cer-

Election.

Majority
vote.

tificate showing the total number of votes cast in each district in favor of the union or joint union high school district, the total number of votes in each district against the union or joint union high school district, the aggregate result of said election and the boundaries of said proposed district. If it shall appear from such certificate that a majority of the votes cast at such election were cast in favor of the formation of such district, the board of supervisors shall make an order excluding all elementary school districts in their county taking part in said election from the high school district or districts of which they, or any of them, were a part; *provided*, that no order excluding territory from any union or joint union high school district shall be made if the exclusion of such territory would reduce the assessed valuation of such union or joint union high school district to three million five hundred thousand dollars or less; *and provided, further*, that all bonded indebtedness of the union or joint union high school district and all interest thereon shall be paid by the district which incurred the same as though such exclusion had not occurred. The order of the board of supervisors excluding such elementary school districts from a union or joint union high school district shall be entered by the clerk of the board of supervisors in his record of high school districts, and he shall also send a copy thereof to the county clerk of each county in which any part of such high school district is situated and said county clerk shall enter it in his record of high school districts. The board of supervisors, after making the order of exclusion, shall make an order establishing the union or joint union high school district asked for in the petition, and the county clerk shall record the certificate of the county superintendent of schools and the orders of the board of supervisors in full in his record of high school districts.

CHAPTER 538.

An act to amend section seventy-three of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, as amended, relating to the liability of officers by adding a new section thereto to be numbered section fifteen a, relating to acquiring distribution ditches.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section seventy-three of the act entitled "An act to provide for the organization and government of irriga-^{Stats. 1897,}
^{p. 277,}
^{amended.}

tion districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, as amended, is hereby amended to read as follows:

Penalties for violation of duty by officer.

Sec. 73. For any wilful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the superior court of the county wherein the office of the board of directors of the district is located, by any assessment payer of the district; but no officer of an irrigation district shall be personally liable for any damage resulting from the operations of the district or from the negligence or misconduct of any of its officers or employees unless such damage was proximately caused by the officer's own negligence or misconduct or by his wilful violation of official duty.

CHAPTER 539.

An act to amend section four thousand two hundred forty-two of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the thirteenth class.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-two of the Political Code is hereby amended to read as follows:

Counties of 13th class, salaries of officers.

4242. In counties of the thirteenth class, the county and township officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries:

County clerk.

1. The county clerk, four thousand, five hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the county clerk the following clerks, deputies and employes who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; two courtroom deputies at a salary of one hundred seventy-five dollars each per month; one office deputy at a salary of one hundred fifty dollars per month; one stenographer at a salary of one hundred twenty-five dollars per month; one copyist at a salary of one hundred dollars per month; *provided, further*, that in any year the compilation of registration of voters is required by law, or supplements to be made thereto, the county clerk shall receive as expenses for compiling such registration of voters and making supplements thereto and work incident to elections, the sum of

seven and one-half cents for each name registered, to be paid upon the filing and presentation of duly verified claims therefor, by the county clerk with the board of supervisors of said county; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors; the salary of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that the compensation for registration of electors and compilation of the registration of voters and supplements thereto as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of verified claims therefor by the board of supervisors of said county.

2. The sheriff, six thousand dollars per annum. All mileage ^{Sheriff.} for service of papers in civil actions arising either inside or outside of the county, excepting actions in which the county is interested. All fees for service of papers in civil actions. All expenses incurred in criminal cases and mileage in criminal cases, for each mile actually and necessarily traveled by automobile twelve and one-half cents per mile. The sum of not less than thirty-seven and one-half cents per day each shall be allowed by the board of supervisors for feeding each prisoner committed to his custody; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, clerks and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: One under-sheriff at a salary of two hundred twenty-five dollars per month; two deputy sheriffs at a salary of one hundred seventy-five dollars per month; one deputy sheriff to act as jailor at a salary of one hundred fifty dollars per month; three deputy sheriffs at a salary of one hundred fifty dollars per month each; one stenographer to the sheriff at a salary of one hundred twenty-five dollars per month; one office stenographer to the sheriff at a salary of one hundred dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, four thousand dollars per annum; *provided*, ^{Recorder.} that in counties of this class there shall be and there is hereby allowed to the recorder the following deputies, clerks and employees, who shall be appointed by the county recorder, and

shall be paid salaries as follows: One chief deputy, at a salary of one hundred seventy-five dollars per month; one deputy at a salary of one hundred fifty dollars per month; two index clerks, at a salary of one hundred fifteen dollars each per month; four copyists at a salary of one hundred fifteen dollars each per month, and one copyist, at such time as in judgment of the county recorder is necessary, at a salary of one hundred dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor.

4. The auditor, four thousand dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following deputies, clerks and employees, who shall be appointed by the county auditor, and shall be paid salaries as follows: One deputy auditor at a salary of one hundred seventy-five dollars per month; one clerk at a salary of one hundred dollars per month; and such clerks and employees as the auditor may deem necessary and appoint at a salary not to exceed five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such clerks and employees shall not exceed the sum of nine hundred dollars per annum; the salary of the deputies herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid; *provided, further*, that such clerks and employees be paid for their services on presentation and filing with the board of supervisors of said county their duly verified claims therefor.

Treasurer.

5. The treasurer, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy treasurer who shall be appointed by the treasurer and who shall receive a salary of one hundred seventy-five dollars per month; said salary to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided, however*, that the bond of the treasurer and his deputy shall be executed with a reliable bonding and surety company and that the premiums on said bonds when the same have been duly approved, shall be a charge against the county and payable out of the general fund upon the presentation and filing of duly verified claims therefor with the board of supervisors.

Tax collector.

6. The tax collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies and employees, who shall be appointed by the tax collector, and shall be paid salaries as follows: One deputy tax collector at a salary of one hundred seventy-five dollars per month; one deputy tax collector at a salary of one hundred fifty dollars per month; one clerk at a salary of one hundred

twenty-five per month; one stenographer to the tax collector at a salary of ninety dollars per month; and such copyists as the tax collector may appoint at a salary of not to exceed three and one-half dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such copyists shall not exceed the sum of three thousand dollars per annum; one index clerk to be paid not to exceed one cent for each separate assessment appearing on the rolls each year; such copyists and index clerks to be paid for their services on the presentation and filing with the board of supervisors of said county their duly verified claims therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, however*, that the compensation of said copyists and said index clerk shall be paid on the presentation and filing of claims with the board of supervisors as hereinbefore provided.

7. The district attorney, six thousand dollars per annum; ^{District} *provided*, that in counties of this class there shall be and there ^{attorney.} hereby is allowed to the district attorney the following deputies, clerks and employees who shall be appointed by the district attorney, who shall hold office at the pleasure of the district attorney and shall be paid salaries as follows: One deputy district attorney at a salary of three hundred dollars per month; two deputy district attorneys at a salary of two hundred dollars per month each; and one stenographer to the district attorney at a salary of one hundred forty dollars per month. The salary of the deputies, clerks and employees herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. The district attorney and his deputies shall be allowed twelve and one-half cents per mile without any constructive mileage for his expenses for traveling, necessarily done by automobile; and his actual traveling expenses when he travels by rail.

8. The superintendent of schools, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of ^{Superintendent} schools, one deputy superintendent of schools, who shall be ^{ent of} appointed by the superintendent of schools, and shall be paid ^{schools.} a salary of one hundred fifty dollars per month; one field deputy superintendent of schools, who shall be appointed by the superintendent of schools to assist the superintendent of schools in the discharge of his duty in visiting and examining schools, as provided by the state law, and it shall be the duty of said field deputy superintendent of schools to make written report of his examination, to be transmitted by the superintendent of schools to each trustee of all districts so examined; said field deputy shall receive a salary of two hundred fifty dollars per month, and his actual and necessary travel-

ing expenses while engaged in performing the duties of his office under the direction of the superintendent of schools: one deputy superintendent of schools who shall be a registered nurse, to be appointed by the superintendent of schools, and who shall receive a salary of one hundred fifty dollars per month. The salary of the deputies provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of superintendent of schools is paid.

Assessor.

9. The assessor, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employees who shall be appointed by the assessor, and shall be paid salaries as follows: Two deputy assessors at a salary of one hundred seventy-five dollars per month each; one deputy assessor at one hundred fifty dollars per month; three field deputy assessors to hold office during not to exceed four months each in any one year, at a salary of one hundred forty dollars per month each; one transfer deputy at a salary of one hundred twenty-five dollars per month; one stenographer at a salary of one hundred fifteen dollars per month; and such additional deputy assessors and clerks as the assessor may appoint, at a salary not to exceed five dollars per day each, not to exceed the sum of two thousand seven hundred fifty dollars per annum. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, however*, that the compensation of said additional deputy assessors and clerks at a salary not to exceed five dollars per day, shall be paid on the presentation and filing of claims with the board of supervisors as hereinbefore provided; *provided, however*, that in counties of this class the assessor shall receive no compensation or commission for collection of personal property taxes, nor shall such assessor receive any compensation or commission for making out the military roll of persons returned by him as subject to military duty as provided by section one thousand nine hundred one of the Political Code.

Coroner.

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided, however*, that in counties of this class the coroner shall be allowed for general services in holding an inquest, the sum of twenty-five dollars, and there shall be and there hereby is allowed to the county coroner one stenographer to the coroner whose duty it shall be to act as reporter, and take down in shorthand and transcribe into loughand the testimony of the witnesses at all inquests. Said stenographer to the coroner shall be appointed by the coroner and be paid a salary of one hundred dollars per month; which salary shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county officers are

paid. The county coroner is further allowed to rent an office for a sum not to exceed fifteen dollars per month, which rental shall be paid on the presentation and filing of duly verified claims therefor with the board of supervisors of said county. All subpoenas or processes issued by said coroner may be served by any peace officer and fees for such services shall be paid as provided by law.

11. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

12. Justices of the peace shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of ten thousand and one, or more, two hundred dollars per month; (2) in townships having a population of from seven thousand and one, or more, to ten thousand, inclusive, one hundred seventy-five dollars per month; (3) in townships having a population of from four thousand and one to seven thousand, inclusive, one hundred fifty dollars per month; (4) in townships having a population of three thousand and one to four thousand, inclusive, one hundred twenty-five dollars per month; (5) in townships having a population of two thousand five hundred or more and less than three thousand, fifty dollars a month; (6) in townships having a population of two thousand or more and less than two thousand five hundred, forty-five dollars a month; (7) in townships having a population of one thousand two hundred or more and less than two thousand, forty dollars a month; (8) in townships having a population of one thousand or more and less than one thousand two hundred, twenty dollars a month; (9) in townships having a population of four hundred fifty or more and less than one thousand, fifteen dollars a month; (10) in townships having a population of less than four hundred fifty, five dollars per month. Each justice must pay into the county once a month all fines and fees collected by him in criminal and civil cases, and the auditor must withhold warrants for salary until a certified statement has been filed with him of all criminal and civil cases tried or filed and fines and fees collected and paid into the county treasury. In addition to the monthly salary herein, each justice may receive as expenses for maintaining his office such sum as may be necessary not to exceed twenty per cent of the amount allowed him as salary. Justices of the peace.

13. Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of three thousand or more, one hundred fifty dollars a month; (2) in townships having a population of two thousand five hundred or more and less than three thousand, eighty dollars a month; (3) in townships having a population of two thousand five hundred, seventy-seven and one-half dollars a month; (4) in townships Constables.

having a population of one thousand two hundred or more and less than two thousand, seventy-five dollars a month; (5) in townships having a population of one thousand or more and less than one thousand two hundred, thirty-five dollars a month; (6) in townships having a population of four hundred fifty or more and less than one thousand, twenty-five dollars a month; (7) in townships having a population of less than four hundred and fifty, five dollars a month; *provided, further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for services of warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning of coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. In addition to the monthly salary allowed herein, each constable in townships having a population of three thousand five hundred or more may receive as expenses for maintaining his office each month a sum not to exceed twenty-five per cent of the amount allowed him as salary.

Population
of
townships.

14. The population of the several judicial townships, for the purposes of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors in the month of July, 1922, and in the month of July every four years thereafter.

Supervisors.

15. Each member of the board of supervisors, one thousand five hundred dollars per annum for personal services performed by him as supervisor, member of the board of equalization, and road commissioner. Each supervisor shall also receive as expenses, as supervisors and road commissioner not to exceed twenty cents per mile each way traveling to and from his residence while engaged in the performance of the duties of supervision of public roads as commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month.

Bonds of
officers.

16. The bonds of county officers, their assistants, deputies and employees such as required by law to be furnished when executed with a reliable bond and surety company, the cost of said bond when duly approved, shall be a charge against the county payable out of the general fund.

Expenses.

17. Actual, reasonable and necessary expenses shall be allowed all the officers of the county in the discharge of their official duties. Detail expense accounts must be rendered

on the first day of each month for the expenses incurred within the previous month. For traveling necessarily done by automobile an officer shall be allowed mileage at the rate of twelve and one-half cents per mile without any constructive mileage except as herein otherwise provided.

CHAPTER 540.

An act to add a new section to be numbered section nineteen x thirteen to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by

an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x thirteen and to read as follows:

Counties of
13th class,
salaries of
probation
officers.

Effect of
act.

Sec. 19x13. In counties of the thirteenth class there shall be one probation officer whose salary shall be two hundred dollars per month, and one stenographer, which office is hereby created at a salary of one hundred dollars per month.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 541.

An act to add a new section to be numbered section nineteen x forty-two to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Juvenile
court
law.

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and mainte-

nance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x forty-two and to read as follows:

Sec. 19x42. In counties of the forty-second class there shall be one probation officer whose salary shall be ten dollars per month.

Counties of
42d class,
salaries of
probation
officers.
Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 542.

An act to amend sections thirteen, twenty-one, twenty-two, eighty-two, and ninety-seven of the California irrigation district act.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section thirteen of the California irrigation district act is hereby amended so as to read as follows:

Stats. 1897,
p. 257,
amended.

Sec. 13. The directors of any district created after the passage of this act, on the first Tuesday after they have been declared elected and after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the less number shall expire at the next general February election in this act provided for; and the term of office of the class having the greater number shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a

Organiza-
tion of
board of
directors.

president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

Stats. 1897,
p. 260,
amended.

Sec. 2. Section twenty-one of said act is hereby amended so as to read as follows:

Notice of
election.

Sec. 21. Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector, two judges and two clerks, or at their option one inspector, one judge and one clerk, who shall in either case constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour, may appoint the board, or supply the place of an absent member thereof. The board of directors, must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held.

Election
officers.

Stats. 1900,
p. 1062,
amended.

Sec. 3. Section twenty-two of said act is hereby amended to read as follows:

Conduct of
election.

Sec. 22. The inspector is chairman of the election board and may administer all oaths required in the process of an election; and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any electors of the precinct may administer and certify such oath. The polls must be opened at six a. m. on the morning of the election, and be kept open until seven p. m., when the same must be closed; *provided, however,* the board of directors may in the notice of election as provided in section twenty-one of this act provide that the polls shall be open from eight a. m. to four p. m., at which times the polls shall be opened and closed respectively.

Stats. 1897,
p. 280,
amended.

Sec. 4. Section eighty-two of said act is hereby amended so as to read as follows:

In case
land is
excluded

Sec. 82. In case land is excluded from any district, the board of directors thereof, if they deem it desirable, but not less than thirty days before any election in such district, may reestablish the boundaries of the divisions and election precincts within such district.

SEC. 5. Section ninety-seven of said act is hereby amended so as to read as follows: Stats. 1897, p. 284, amended.

SEC. 97. In case land is included within any district as aforesaid, the board of directors thereof shall, but not less than thirty days before any election in such district, reestablish the boundaries of the divisions and election precincts within such district, so as to include such land therein and so as to make such divisions as nearly equal in size and population as may be practicable. In case of the inclusion of any land less than thirty days before an election within such district, the inhabitants of the land so included shall not be entitled to vote at such election. Redivision of district.

CHAPTER 543.

An act to add a new section to be numbered section nineteen & sixteen to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal Juvenile court law.

with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x sixteen and to read as follows:

Counties of
16th class,
salary of
probation
officer.

Sec. 19x16. In counties of the sixteenth class there shall be one probation officer whose salary shall be two hundred twenty-five dollars per month, and one assistant probation officer whose salary shall be one hundred twenty-five dollars per month.

CHAPTER 544.

An act to add a new section to be numbered section nineteen x thirty-seven to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Juvenile
court
law.

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and

in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen *x* thirty-seven and to read as follows:

Sec. 19*x*37. In counties of the thirty-seventh class there shall be one probation officer whose salary shall be fifty dollars per month.

Counties of
37th class,
salary of
probation
officer.
Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 545.

An act to amend section four thousand two hundred sixty-six of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-seventh class.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-six of the Political Code is hereby amended to read as follows:

4266. In counties of the thirty-seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Counties of
37th class,
salaries of
officers.

1. The county clerk, two thousand four hundred dollars per annum; one deputy at one hundred fifty dollars per month;

County
clerk.

one deputy at one hundred dollars per month, which offices are hereby created; the salaries of said deputies shall be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, in each year in which a new and complete or supplemental registration of voters is required by law the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters of the county, which deputy registration clerks shall receive as compensation for their services the sum of ten cents per name for each and every voter registered by them; said compensation to be paid out of the general fund of the county on the presentation and filing with the board of supervisors of the county a duly verified claim therefor, approved by the county clerk.

Sheriff.

2. The sheriff, five thousand dollars per annum and such mileage as is allowed by law for services of all papers issued by any court outside this county; and all mileage for service of papers in civil cases in this county; and actual expenses incurred in criminal cases; he shall have one deputy at one hundred fifty dollars per month, which office is hereby created: said sum shall be paid in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. The recorder, two thousand one hundred dollars per annum; he shall have one deputy recorder at one hundred twenty-five dollars per month; one deputy recorder at one hundred dollars per month; two deputy recorders, at seventy-five dollars per month each, which offices are hereby created; said deputies to be appointed by the recorder and to be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the recorder is paid.

Auditor.

4. The auditor, two thousand dollars per annum; he shall have one deputy auditor, which office is hereby created, at one hundred twenty-five dollars per month; one deputy auditor, which office is hereby created, for a period of ninety days in any one year, at a salary of four dollars per diem. Said deputies to be appointed by the auditor, and to be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. The treasurer, two thousand dollars per annum. He shall have one deputy treasurer at a salary of one hundred dollars per month during the months of October, November and December of each year, to be appointed by the treasurer, and to be paid by the county in equal monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the treasurer is paid.

Tax collector.

6. The tax collector, one thousand eight hundred dollars per annum; he shall have one deputy tax collector, at one hundred twenty-five dollars per month; he shall also have

during the months of March, April and May of each year, one deputy tax collector, at a salary of one hundred dollars per month; during the months of October, November and December of each year, one deputy tax collector, at one hundred dollars per month, which offices are hereby created; said deputies to be appointed by the tax collector and to be paid by said county in equal monthly installments in the same manner, and out of the same fund, as the salary of the tax collector is paid.

7. The assessor, two thousand five hundred dollars per annum; he shall have a deputy assessor, at one hundred fifty dollars per month; one deputy assessor, which office is hereby created, for not to exceed six months in any one year, said deputy to receive five dollars per diem for each day actually employed; *provided; further*, that the assessor may appoint such additional deputies as may in his judgment be necessary for the proper conduct of his office; said additional deputies shall not in the aggregate serve more than three hundred twelve days in any one year; the compensation to be paid said additional deputies, shall not exceed in the aggregate, one thousand five hundred sixty dollars, which sum shall be paid in the same manner, at the same time, and out of the same fund as the salaries of other county officers are paid. The assessor shall also have one copyist at one hundred dollars per month for a period not to exceed six months in any one year, said compensation to be paid in equal monthly installments in the same manner, and out of the same fund, as the salary of the assessor is paid.

8. The district attorney, two thousand four hundred dollars per annum; he shall have one stenographer at one hundred twenty-five dollars per month, which office is hereby created, said salary to be paid in monthly installments at the same time and in the same manner and out of the same fund as the county officers are paid.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum; he shall have one deputy to be appointed by him at a salary of nine hundred dollars per annum, which office is hereby created, said salary to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.

13. The justices of the peace shall receive the following salaries to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them. In townships having a population of five thou-

sand, or more, one hundred twenty-five dollars per month; in townships having less than five thousand and more than three thousand, one hundred dollars per month; in townships having a population of less than three thousand, six hundred dollars per annum.

Constables. 14. The constables shall receive the following salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them. In townships having a population of five thousand or more, one hundred twenty-five dollars per month; in townships having a population of less than five thousand, four hundred eighty dollars per annum.

Supervisors. 15. Each member of the board of supervisors, one thousand eight hundred dollars per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty-five cents per mile while traveling from his residence to the county seat not more than once each month.

Reporter. 16. The official reporter of the superior court shall receive such fees as are now or may hereafter be allowed by law.

County Librarian. 17. The salary of the county librarian shall be two thousand one hundred dollars per annum, to be paid in equal monthly installments, at the same time, in the same manner, and out of the same fund as the salaries of other county officers are paid.

Jurors. 18. Grand jurors and jurors in the superior court shall receive the following fees: For each day's attendance three dollars, and for each mile actually traveled in attending court as a juror, one way, fifteen cents.

In full payment. 19. The compensation of all the officers above enumerated shall be in full payment for all services performed by them.

CHAPTER 546.

An act to add a new section to be numbered section nineteen & twenty-seven to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile

court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x twenty-seven and to read as follows:

Sec. 19x27. In counties of the twenty-seventh class there shall be one probation officer whose salary shall be one thousand five hundred dollars per annum.

Counties of 27th class, salary of probation officer. Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 547.

An act to amend the title and to amend sections one, eight, nine, eleven, twelve, fifteen, sixteen, eighteen, and twenty-three and to repeal sections thirteen, fourteen, sixteen a, sixteen b, sixteen c, seventcen, nineleen, twenty-one, twenty-two, twenty-five and twenty-seven of an act entitled "An act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 11, 1889, as amended, and to add new sections thereto to be numbered seven a, twenty a, thirty-two and thirty-three.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Title.

SECTION 1. The title of an act entitled "An act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California to be known as 'The Whittier State School,'" approved March 11, 1889, as amended, is hereby amended to read as follows:

An act to establish in the State of California an educational institution for the care, supervision, education, training, discipline and employment of boys, to be known as the "Whittier State School."

Stats. 1893,
p. 328,
amended.

SEC. 2. Section one of the act entitled "An act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents, in the State of California, to be known as 'The Whittier State School,'" approved March 11, 1889 as amended is hereby amended to read as follows:

Whittier
State
School
established.

Section 1. There shall be established and maintained in this state a junior state school, an educational institution for boys who are in need of the education, training, care, supervision and moral development therein provided. Said institution shall be known as the "Whittier State School." This act shall be known as the "Whittier State School Act." The said school is hereby declared to be a corporation.

Stats. 1893,
p. 329,
amended.
Officers.

SEC. 3. Section eight of said act is hereby amended to read as follows:

Sec. 8. The board shall annually elect from their own number a president and a vice president, whose term of office shall be for one year, and until their successors shall be duly appointed and qualified.

Stats. 1893,
p. 329,
amended.
Superin-
tendent.

SEC. 4. Section nine of said act is hereby amended to read as follows:

Sec. 9. The board shall establish rules and regulations governing admissions to said school. They shall appoint a superintendent of said school, not of their own number, who shall be of high moral character specially qualified for

the position. They shall fix his tenure and compensation. The superintendent, except as herein otherwise provided, shall appoint and prescribe the duties of such officers and employes as the wants of the institution may, from time to time, require. The remuneration and tenure of all officers or employes of the school shall be fixed by the superintendent in accordance with law. All officers and employes of said school shall have the general powers and privileges of peace officers.

SEC. 5. Section eleven of said act is hereby amended to read as follows: Stats. 1889,
p. 114,
amended.

Sec. 11. The board of trustees shall have a regular meeting once every three months at such time and place as they may direct; special meetings may be called by the president of said board or by any two members or by the superintendent of said school. Meetings of
board.

SEC. 6. Section twelve of said act is hereby amended to read as follows: Stats. 1889,
p. 114,
amended.

Sec. 12. The superintendent before entering upon the duties of his office shall take an oath faithfully to discharge the same and execute a bond with sureties and in a sum to be approved by the board conditioned for the faithful performance of all his duties as such superintendent. He shall be the executive and administrative officer with full jurisdiction over said institution. The board of trustees in their control, management, and direction of the institution shall act through the superintendent but all his acts shall be subject to the approval of said board. He shall ex officio be the secretary of the board, taking charge of all books and papers. He shall have charge of the land, buildings, furniture, apparatus, tools, stock, provisions, and every other species of property belonging to the institution. He shall account to the board in such manner as they may require for all property entrusted to him, and all moneys received by him from whatever source shall be deposited with the treasurer. His books shall at all times be open to the inspection of the board. He shall have charge of the boys committed to said school, and shall provide for their care, supervision, education, training, discipline, employment and government and use his best efforts toward the development of their character and the promotion of their welfare. The superintendent shall organize and maintain such departments as he may deem wise or necessary in the conduct of the school, including a department of instruction, the director of which shall be well trained in modern school administration and shall rank as an assistant superintendent. Said department shall have jurisdiction over all courses of instruction which shall include industrial training. Such courses to be subject to the approval of the state superintendent of public instruction. Duties of
superin-
tendent.

If there is created a department of the government of the State of California known as the department of institutions, the said department shall succeed to all the duties, Control by
department
of
institutions.

powers, purposes, responsibilities and jurisdiction of the board of trustees of the Whittier State School and the several officers, deputies and employees of the same.

Stats. 1909, p. 988, amended. Age for admission.

SEC. 7. Section fifteen of said act is hereby amended to read as follows:

Sec. 15. It shall be lawful for said board of trustees to receive into said school boys over the age of eight years; *provided, however,* that in all such cases there shall be paid monthly to the state treasurer for each boy committed by the court to said school or to any other state school from which he may have been transferred to said school, the sum of twenty dollars by the county from which such boy is committed, for and during each month or part of month such person so committed remains in such state school, or in any other state school within this state to which he may be transferred.

Payments by counties.

Stats. 1909, p. 988, amended.

SEC. 8. Section 16 of said act is hereby amended to read as follows:

Devises or bequests to school.

Sec. 16. The said school may take and hold in trust for the state any grant or devise of land, or any donation or bequest of money or other personal property, heretofore or hereafter granted, devised, donated, or bequeathed to the use of the school, and shall dispose of the same in accordance with the wishes of the donor, or testator, if expressed, and if no condition be attached thereto, or in so far as any wishes expressed do not prevent, then to invest and reinvest same, or to change the investment thereof, as to the board of trustees may seem best, and to use the income arising therefrom, for the best interests of the school. Such devises or bequests shall not be subject to the limitations prohibiting the devising or bequeathing of more than one-third of one's estate to any charitable or benevolent society or corporation as provided for in an act to amend section one thousand three hundred thirteen of the Civil Code, relating to restrictions on devises or bequests for charitable purposes approved May 5, 1917. All gifts, grants, devises or bequests of property, real or personal, which have been made or may hereafter be made to the State of California for the use, or benefit, of said school, or of any department thereof, shall be subject to the provisions of this section, unless a contrary intent be expressed in the instrument making the same.

Stats. 1909, p. 980, amended.

SEC. 9. Section eighteen of said act is hereby amended to read as follows:

Dismissal from school.

Sec. 18. Under rules and regulations approved by the superintendent and which shall include adequate provision for supervision, education and employment, boys may be permitted to leave the school and with the approval of the board any boy may be honorably dismissed or discharged by the superintendent. All boys honorably dismissed and all those who have attained the age of twenty-one years shall thereafter be released from all the penalties and disabilities resulting from any offenses for which he may have been committed.

Upon the final dismissal or discharge of any boy as in this section provided, the superintendent shall immediately certify such discharge in writing and shall transmit the certificate to the court by which such boy was committed. Such court, thereupon, shall dismiss the accusation and the action pending against the boy.

SEC. 10. Section twenty-three of said act is hereby amended to read as follows: Stats. 1893,
p. 333,
amended.

Sec. 23. Upon the discharge or dismissal of, or the granting of leave of absence to any boy committed to said school, the superintendent may procure for him transportation, and provide him with suitable clothing, and with such an amount of money as the board of trustees may authorize under rules and regulations approved by the said board. Assistance
upon
dismissal.

SEC. 11. Sections thirteen, fourteen, sixteen, sixteen *a*, sixteen *b*, sixteen *c*, seventeen, nineteen, twenty-one, twenty-two, twenty-five and twenty-seven of said act are hereby repealed. Repealed.

SEC. 12. A new section is hereby added to said act to be numbered seven *a*, and to read as follows:

Sec. 7*a*. Said school may manufacture or raise for sale, such supplies or produce or articles of furniture as may be used in the said school or any other state institution, but the purpose of all instruction, discipline and industries shall be for the benefit of such boys and to better fit them for good citizenship rather than make said institution self sustaining. The moneys received as provided for in this section shall be paid to the state treasurer, to be placed in the contingent fund to the credit of said school and for its use. Manufacture
of supplies,
etc.

SEC. 13. A new section is hereby added to said act to be numbered section twenty *a*, and to read as follows:

Sec. 20*a*. The provisions of section twenty of this act shall not be construed to authorize the superintendent of said school to return to the court as feeble-minded any boy except where such feeble-mindedness has been established through investigation by the California bureau of juvenile research or some qualified person approved by said bureau. Return of
feeble-
minded
boy.

SEC. 14. A new section is hereby added to said act to be numbered section thirty-two and to read as follows:

Sec. 32. The Whittier State School may admit boys over eight years of age who are wards of the juvenile court under any of the subdivisions of section one of the juvenile court law as approved June 5, 1915, as amended. In any such case, instead of committing any such boy to the Whittier State School, the judge of the juvenile court may place such boy on probation in the care of said school, and for such time, as may be agreed upon by said judge and said school. Each boy so admitted shall be subject to the rules and regulations of said school. Admissions
of wards of
juvenile
court.

Any such boy who absents himself from said school without proper permission first obtained from said school shall have violated his probation, and upon a repetition of such absence

shall be deemed an habitual truant within the meaning of subdivision ten of section one of said juvenile court law.

The provisions of section eleven of the juvenile court law approved June 5, 1915, as amended, providing for payments by the county to the state, and for payments to the county by the parent, parents, guardian or person liable for the custody of any such boy who has been a ward of the juvenile court under any of the provisions of section one of said juvenile court law, shall apply in the case of each of such boys admitted to Whittier State School the same as if he had been committed to the Whittier State School by the juvenile court. The judge placing such boy on probation to said school shall issue such orders as may be necessary to authorize and require such payments being made.

SEC. 15. A new section is hereby added to said act to be numbered section thirty-three and to read as follows:

Validity of act.

Sec. 33. The invalidity of any part of this act shall not be construed to affect the validity of any other part capable of having practical operation and effect without the invalid part.

CHAPTER 548.

An act to amend "An act authorizing the board of trustees of the Whittier State School to maintain a department for the clinical diagnosis of inmates of the school and other institutions, and to inquire into the causes and consequences of delinquency and mental deficiency, and related problems," as approved May 11, 1917, by adding thereto new sections numbers three, four, five and six.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act authorizing the board of trustees of the Whittier State School to maintain a department for the clinical diagnosis of inmates of the school and other institutions, and to inquire into the causes and consequences of delinquency and mental deficiency, and related problems," is hereby amended by adding thereto new sections to be numbered sections three and four as follows:

California bureau of juvenile research.

Sec. 3. The name of said department shall be the "California bureau of juvenile research."

Sec. 4. The said bureau may affiliate with, or enter into such relations with, any university, normal school, state department, institution, corporation or individual and on such terms as may be approved by the director and the trustees of said bureau.

Sec. 5. Juvenile research and psychological work conducted in state schools, state homes for the feeble-minded and in other state institutions giving custodial care to minors, and as may be designated by the state board of control, shall be under the direction and control of the California bureau of juvenile research. Control of research work in state institution.

Sec. 6. The said bureau may take and hold in trust for the state any grant or devise of land, or any donation or bequest of money or other personal property, heretofore or hereafter granted, devised, donated, or bequeathed to the use of the bureau and shall dispose of the same in accordance with the wishes of the donor, or testator, if expressed, and if no condition be attached thereto, or in so far as any wishes expressed do not prevent, then to invest and reinvest same, or to change the investment thereof, as to the board of trustees may seem best, and to use the income arising therefrom, for the best interests of the bureau. Such devises or bequests shall not be subject to the limitations prohibiting the devising or bequeathing of more than one-third of one's estate to any charitable or benevolent society or corporation as provided for in an act to amend section one thousand three hundred thirteen of the Civil Code, relating to restrictions on devises or bequests for charitable purposes approved May 5, 1917. All gifts, grants, devises or bequests of property, real or personal, which have been made or may hereafter be made to the State of California for the use, or benefit, of said bureau, or of any department thereof, shall be subject to the provisions of this section, unless a contrary intent be expressed in the instrument making the same. Devises and bequests to bureau.

CHAPTER 549.

An act to amend section one thousand one hundred forty-two, of the Political Code, relating to elections.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand one hundred forty-two of the Political Code is hereby amended to read as follows:

1142. (a) At each general election, and at each election, where other provisions are not made by law or charter, the election officers appointed for each precinct shall constitute a board of election for such precinct. Such board shall consist of one inspector, two judges and three clerks; *provided*, that in any precinct in which the total registration does not exceed one hundred electors or at any special election for selection of a board of freeholders or at which propositions, not exceeding four in number, are presented to the electors (including proposals for issuance of bonds, for annexation Election board.

of territory, and adoption or amendment of a charter), or at any special election where other provision as to election officers is not made by law, the board shall consist of one inspector, one judge and two clerks. Each of such officers shall be a registered qualified elector of the precinct for which he is appointed and in which he acts and shall serve only in such precinct; *provided*, that in the case of consolidated election precincts the election officers appointed therefor and who act therein shall be registered qualified electors of one of the precincts of which such consolidated precinct is composed.

Appointment.

(b) The board of supervisors, or other board having charge or control of elections in each of the counties, and cities and counties, must, at least thirty days prior to an election, issue its order appointing the members of the several boards of election unless otherwise provided herein or by law.

(c) If the election officers for any precinct, or the polling place therein, have not been designated by the fifteenth day prior to any election, the county clerk or registrar of voters shall immediately appoint the election officers for that precinct, or designate the polling place therein, as the case may require.

Failure to serve as officer.

(d) Any person who, having been regularly appointed as an election officer, shall without lawful excuse fail to act as such, shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment. Any person serving as an election officer at any election, shall, on the day of such election, be entitled to absent himself from any service or employment in which he, or she, is then engaged or employed; and such voter shall not, because of so absenting himself, or herself, be liable to any penalty, nor shall any deduction be made on account of such absence, from his or her usual salary or wages, nor shall such person be suspended or discharged from any service or employment because of so absenting himself or herself. In appointing election officers preference shall so far as possible be given to any person, otherwise qualified, who has passed a civil service examination involving a test for a clerical position, or who has previously rendered satisfactory service as an election officer if otherwise qualified. Any person may file an application for the position of an election officer on blanks prepared by the officer in charge of registration, which shall be substantially as follows:

Preference.

Application.

APPLICATION TO SERVE AS ELECTION OFFICER.

State of California, {
 County of _____ } ss.

My name in full is _____;
 My actual residence is _____;
 My age is _____; my occupation is _____;
 I am employed at _____;

(Give place of employment.)

I am not, and have not been, within the last ninety days, employed in any capacity, other than that of election officer

or as a clerk engaged in the registration of voters, by the county, city and county, or incorporated city or town in which I now reside.

I have ----- acted as an election officer at an election

(If applicant has previously acted as an election officer state the time and place when so acting and the nature of the office held, otherwise insert the word "not" after the word "have.")

I have ----- passed a civil service examination -----

(If applicant has previously passed such examination state the time and place thereof and the position for which it was held, otherwise insert the word "not" after the word "have.")

My experience in clerical work has been as follows: (State briefly) -----

For further information, I would refer to the following:

(Names and addresses of two or three well known citizens of the community, who are acquainted with the qualifications of the applicant: to be filled out if applicant is not, through previous service or otherwise, already known to the appointing board.)

I am now registered as an elector in this county (or city and county).

I can read and write the English language and all of the matter written in the foregoing answers is in my own hand writing.

Signature of applicant.

In a city and county, the registrar of voters may require such applications to be sworn to and such registrar or his deputy shall take such oath without charge.

(e) No person shall be eligible to act as an officer of election who is not actually a resident of the precinct in which he, or she, acts and a registered and qualified elector thereof, or who has, within ninety days preceding such election, been employed in any capacity, other than that of an election officer, or as a clerk engaged in the registering of electors, by the county, city and county, or incorporated city and town in which he resides. Persons eligible.

(f) Upon filing a list of the names and addresses of those who have been appointed election officers the county clerk or registrar of voters shall immediately mail or deliver to each person appointed a notice that he, or she, has been appointed, stating therein the position to which he or she has been assigned, and the penalty for failure to serve, also such other matter as the county clerk or registrar of voters may determine. He shall also publish the names of the election officers appointed and polling places designated for each election precinct in some daily newspaper published in the county or city and county where the election is to be held, for three successive issues, the last publication to be at least one week Notice of appointment.

before the day such election is to be held. He shall also mail or deliver to each person appointed as inspector for any precinct immediately after such appointment a notice of the persons appointed to serve as election officers in that precinct. Said notice shall be substantially in the following form:

Office of the county clerk (or registrar of voters)
county of _____

Form of notice to election officers.

NOTICE TO ELECTION OFFICERS.

To _____, inspector for _____ precinct.

The polling place for the _____ precinct at the election to be held on _____ the _____ day of _____ is _____

and the board of election for said precinct is composed of the following persons:

Position.	Name.	Address.
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

You, as inspector, must, before the polls are opened, see that each of these persons have taken the oath required by law and that no person is permitted to act as election officer unless he or she has taken such oath and actually resides in the precinct and is registered as an elector thereof and is not and has not been employed in any capacity, other than that of election officer, or as clerk engaged in the registering of electors, within ninety days of the election, by the county or city and county or by the incorporated city and town in which he, or she, resides. If any of these persons is not qualified to act or in case any of them do not appear at the opening of the polls, the qualified electors present, including members of the board, shall appoint in his or her place one who is qualified who shall take the required oath of office which will be found set forth in the poll list.

County clerk (or other official).

Accompanying said notice shall be an oath of office in blank which shall be immediately sworn to by the inspector free of charge before any officer authorized to administer oaths, and before performing any of the duties required of him, and which oath shall be returned to the county clerk or registrar of voters within twenty-four hours after receipt thereof. Said oath shall be substantially in the following form:

Oath of inspector.

State of California, }
County of _____ } ss.

I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of California, and that I will faithfully

discharge the duties of the office of inspector on the board of election for ----- precinct according to the best of my ability.

Subscribed and sworn to before me this ----- day of ----- 191---

(Name and designation of official before whom taken.)

(g) On the day of election and before entering upon the performance of their duties, each of the other election officers shall take a similar oath before said inspector, or in case he is not present, before any other of themselves, each of whom is for this purpose authorized to administer an oath. Such oaths shall be taken and subscribed upon a form which shall be provided for that purpose in the poll list for that precinct.

(h) No person shall be eligible to act as a member of any election board who can not read and write the English language, nor shall any person be appointed an election officer or act as such who is not at the time in every respect qualified to act as such election officer, except as hereinbefore provided, nor shall any person so appointed serve as such until he has taken the oath required. The inspector, judges and clerks upon each board of election shall distribute the extra duties devolving upon such board of election, in addition to their own duties, in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or clerks of boards of election by other sections of this code shall be performed by the members of each board as the said duties have been distributed in accordance with this provision.

Not more than two members of any board of election shall be absent from the polling place at any one time. Such board of election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least four members of the board; *provided*, that there shall always be two members simultaneously keeping the tally sheets, and always two members looking at the vote on the ballot from which one of said two members is reading; *and provided, further*, that the final certificate shall be signed by a majority of the whole.

(i) In any city and county having a registrar of voters all preliminary or other lists of persons qualified to act as election officers and all appointments of election officers shall be made by said registrar of voters and he shall have power to excuse persons appointed from serving whenever he is satisfied any such person ought to be excused, and to substitute new appointees in all cases when any person appointed shall be excused or found disqualified or deemed incompetent down to a time when said registrar of voters shall send a final or amended list of such election officers to the inspector, for the precinct, which list shall be the registrar's final order of

appointment for such precinct; such appointments shall be in the form prescribed in subdivision (f) of this section, and in addition shall have at the head thereof the words in capitals "final precinct list of election officers."

In a city and county having such a registrar of voters he may require inspectors of election who have been appointed, to take the oath of office at the office of said registrar of voters at least ten days before the day of election, and if such inspector shall refuse or fail to so take such oath of office said registrar may substitute and appoint an inspector and administer such oath of office to such newly appointed inspector. In a city and county the publication of the list of election officers referred to in this section, may, in the discretion of the registrar of voters, be made only once.

CHAPTER 550.

An act to recognize and declare valid the proceedings creating the Rannells permanent road division in Riverside county and to validate the bonds issued for the improvement of the division.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Rannells
permanent
road
division
validated.

SECTION 1. The Rannells permanent road division as formed by the board of supervisors of the county of Riverside, State of California, and as now existing together with the bonds issued for the purpose of the construction of roads within the division, is hereby recognized and declared valid and all proceedings on organization, formation and issuance of bonds thereof and thereby are hereby approved and declared valid.

CHAPTER 551.

An act to amend sections one thousand six hundred seventeen, one thousand six hundred sixty-three, one thousand seven hundred twenty, one thousand seven hundred fifty, and one thousand seven hundred fifty a, of the Political Code, relating to public schools.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand six hundred seventeen of the Political Code is hereby amended to read as follows:

1617. The board of education of any city, or of any city and county, or the board of school trustees of any school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend a junior high school established as provided by section one thousand seven hundred fiftya, of the Political Code, and shall pay to such high school district for the education of such pupils, a tuition charge which shall be agreed upon by said board of education, or board of school trustees, and the high school board maintaining such junior high school; *provided*, that such board of education or board of school trustees shall not pay to any such high school board for educating a pupil, residing in such elementary school district and attending such junior high school, a tuition charge greater than the average net cost per pupil for educating pupils in the first six years of the elementary school in said elementary school district; *and provided, further*, that such tuition charge shall cease to be paid after the pupil has completed two years of work in such junior high school.

Tuition charge in junior high school.

The board of school trustees of any school district not situated in a high school district maintaining a junior high school course, may permit pupils of their district who have completed the sixth year of the elementary school, to attend any junior high school course in any high school district, and may pay to such high school district for the education of such pupils, by order on the county superintendent of schools, a tuition charge which shall be agreed upon by such board of school trustees and the high school board maintaining such junior high school course; *provided*, that such board of school trustees shall not pay a tuition charge greater than the average net cost per pupil for educating pupils in the first six years of the elementary school district wherein they reside, as ascertained by the county superintendent of schools; *and provided, further*, that said tuition charge shall cease to be paid after the pupil has completed two years of work in such junior high school course; *and provided, further*, that the average daily attendance of all pupils from a district paying such tuition enrolled in the first two years of such junior high school course, shall be kept separate and shall be credited to the elementary school district in which said pupils reside.

SEC. 2. Section one thousand six hundred sixty-three of the Political Code is hereby amended to read as follows:

1663. The public schools of California, other than those supported exclusively by the state, shall be classed as day and evening elementary, and day and evening secondary schools.

Classification of schools.

SEC. 3. Section one thousand seven hundred twenty of the Political Code is hereby amended to read as follows:

1720. *First*—The secondary schools of the state shall be designated as four year high schools, junior high schools, senior high schools, evening high schools, technical schools and junior colleges.

Designation of secondary schools.

Second—High school districts may be formed, organized and maintained, and secondary schools may be established and maintained in conformity with the provisions of this article.

Third—Each high school district may, in accordance with the provisions of law, establish and maintain any of the secondary schools mentioned in subdivision first of this section; and each high school district must establish and maintain for the convenience of the day pupils of the district at least one four year high school, or in lieu thereof at least one junior high school and at least one senior high school.

SEC. 4. Section one thousand seven hundred fifty of the Political Code is hereby amended to read as follows:

Course of study.

1750. The course of study for each high school shall be prepared under the direction of the high school board having control thereof, and shall be subject to the approval of the state board of education. The course for four year high schools shall be designed to fit the needs of pupils of the ninth, tenth, eleventh and twelfth grades of the public schools; the course for junior high schools to fit the needs of pupils of the seventh, eighth and ninth, or of the seventh, eighth, ninth and tenth grades; and the course for senior high schools to fit the needs of pupils of the tenth, eleventh and twelfth, or of the eleventh and twelfth grades. Each high school district shall maintain, in one or more of its day high schools, a course of study designed to prepare prospective students for admission to state normal schools, state teachers' colleges and the state university. In addition to other subjects of instruction each high school course of study may include training in athletics, military drill and tactics, manual training, domestic science and art, agriculture, horticulture, dairying or other vocational work, for which credit may be given as a part of said high school work, and instruction therein shall be given at such times and in such manner as said high school board shall determine.

Upon satisfactory evidence being shown to the superintendent of public instruction that the high school board of any high school district has neglected or refused to establish only such courses of study as have been approved by the state board of education, or to comply with any of the other provisions of this section, it shall be the duty of such superintendent of public instruction to withhold from such high school district, all apportionments from the state high school fund, until said high school board shall fully comply with the provisions of this section.

SEC. 5. Section one thousand seven hundred fifty *a* of the Political Code is hereby amended to read as follows:

Establishment of junior high school.

1750*a*. The governing board of a county, a union or a joint union high school district may establish a junior high school or a system of junior high schools only when a majority of the boards of trustees of the elementary school districts comprising such high school district shall approve the

organization of such course in writing, and shall file a statement of such approval with the high school board, or when at an election called for that purpose in the same manner as the election for the formation of the high school district, a majority of the qualified electors voting thereat shall vote in favor of such junior high school. The ballots used at such election shall contain the words "Junior high school—Yes" and "Junior high school—No." The result of said election shall be determined and certified to the superintendent of schools as provided in case of the election for the formation of the district. All minors who have completed the work of the sixth grade and such other minors thirteen years of age or over as are, in the judgment of the principal of the junior high school and of the superintendent having immediate jurisdiction thereof, capable of doing the required work may be admitted to a junior high school.

Whenever the average daily attendance of pupils enrolled in the first two years of the junior high school of a district is less than twenty-five for any school year, such junior high school shall be deemed to have lapsed.

CHAPTER 552.

An act to be known as the Preston School of Industry act and to amend sections one, ten, eleven, twelve, seventeen, eighteen, twenty, twenty-one and twenty-three, and to repeal sections eight, thirteen, fifteen, sixteen and twenty-two of an act entitled "An act to establish a school of industry, to provide for the maintenance and management of the same and to make an appropriation therefor," approved March 11, 1889.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act entitled "An act to be known as the Preston School of Industry act and to amend sections one, ten, eleven, twelve, seventeen, eighteen, twenty and twenty-one, and to repeal sections eight, thirteen, fifteen, sixteen and twenty-two of an act entitled "An act to establish a school of industry, to provide for the maintenance and management of the same and to make an appropriation therefor," approved March 11, 1889, is hereby amended to read as follows:

Section 1. There shall be established at or within a convenient distance from Lone city, in the county of Amador in said state an educational institution to be designated as the "Preston School of Industry."

Title of act. This act shall be known as the "Preston School of Industry act."

Stats. 1915, p. 849, amended. SEC. 2. Section ten of this act is hereby amended to read as follows:

Compensation of board. Sec. 10. The members of the board of trustees shall receive no compensation for their services but shall be allowed their reasonable expenses incurred while in the discharge of their official duties. The board shall meet once in three months for the transaction of business. Special meetings may be called by the president, any two members, or by the superintendent of said school when deemed necessary.

Meetings. Stats. 1889, p. 102, amended. SEC. 3. Section eleven of said act is hereby amended to read as follows:

Superintendent. Sec. 11. The board shall appoint a superintendent of said school not of their own number, who shall be of high moral character, specially qualified for the position. The board shall fix his tenure and compensation. Before entering upon the duties of his office he shall take an oath faithfully to discharge the same and execute a bond with such sureties and in such a sum as may be approved by the board, conditioned for the faithful performance of all his duties as such superintendent. He shall be the executive and administrative officer with full jurisdiction over said institution. His actions shall be subject to the approval of the board of trustees of which he shall be the ex officio secretary, taking charge of all books and papers. He shall have charge of the land, buildings, furniture, apparatus, tools, stock, provisions and every other species of property belonging to the institution. He shall account to the board in such manner as they may require for all property entrusted to him, and all moneys received by him from whatever source shall be deposited with the treasurer. His books shall at all times be open to the inspection of the board.

The remuneration and tenure of all officers and employees of the school shall be fixed by the superintendent, and they shall have the general powers and privileges of peace officers.

The superintendent shall have charge of the youths committed to said institution and shall provide for their education, employment, government and discipline and use his best efforts toward the correction of their faults and the development of their characters.

Stats. 1889, p. 102, amended. SEC. 4. Section twelve of said act is hereby amended to read as follows:

Departments. Sec. 12. The superintendent shall organize and maintain such departments as he may deem wise or necessary in the conduct of the school including a department of instruction, the director of which shall be well trained in modern school administration and shall rank as an assistant superintendent. Said department shall have jurisdiction over all courses of instruction, which shall include industrial training. Such courses to be subject to the approval of the state superintendent of public instruction.

Said school may manufacture or raise, for sale, such supplies or produce or articles of furniture as may be used in the said school or any other state institution, but the purpose of all instruction, discipline and industries shall be for the benefit of the youths and to qualify them for honorable employment and good citizenship, rather than to make said institution self sustaining.

Manufactured articles.

All moneys received under the provisions of this section shall be paid to the state treasurer, to be placed in the contingent fund to the credit of said school and for its use.

SEC. 4. Section seventeen of said act is amended to read as follows:

Stats. 1889, p. 104, amended.

Sec. 17. It shall be lawful, with the approval of the board of trustees, for the superintendent to grant a leave of absence or to discharge or to give an honorable dismissal to any youth and to cause an entry of the reasons for such discharge or dismissal to be made in the records. All persons thus honorably dismissed and all those who are retained for the full period of their respective commitments shall thereafter be released from all penalties and disabilities resulting from the offenses or crimes for which they were committed. Upon the final discharge or dismissal of any youth as in this section provided, the superintendent shall immediately certify such discharge or dismissal in writing and shall transmit the certificate to the magistrate or court by which such youth was committed. Said magistrate or court shall thereupon dismiss the accusation and the action pending against said person.

Discharge and dismissal of youths.

SEC. 5. Section eighteen of said act is amended to read as follows:

Stats. 1909, p. 364, amended.

Sec. 18. When in the opinion of the superintendent any youth according to regulations established for the purpose merits consideration for parole and it will be to his advantage to be paroled the superintendent, subject to review by the board of trustees, may grant such parole under such conditions as he may deem best. When such youth has proved such ability for honorable self support, then upon the recommendation of the superintendent he shall be honorably dismissed by the board. Any youth who, while on parole, violates the conditions of his parole may be returned to said school.

Parole.

Upon the parole, discharge or dismissal of any youth committed to said school the superintendent may procure transportation for him, and may provide him with suitable clothing, and with such an amount of money as may be authorized under rules and regulations approved by the board of trustees.

SEC. 6. Section twenty of said act is hereby amended to read as follows:

Stats. 1889, p. 105, amended.

Sec. 20. The provisions of section ten of the juvenile court law shall not be construed to authorize the superintendent of said school to return to the court as feeble minded any youth except where such feeble mindedness has been established through investigation by the California bureau of juvenile

Feeble-minded youth.

research, or some qualified person approved by the director of said bureau.

Stats. 1893,
p. 40,
amended.
Research
Laboratory.

SEC. 7. Section twenty-two of this act is hereby amended to read as follows:

SEC. 22. With the approval of the California bureau of juvenile research, there may be established at said school a laboratory through which juvenile research and psychological work for said school shall be conducted. The superintendent shall provide such accommodations and equipment and meet such expense as shall be approved by the state board of control.

Stats. 1899,
p. 105,
amended.
Payment by
counties.

SEC. 7. Section twenty-three of this act is hereby amended to read as follows:

SEC. 23. It shall be lawful for any competent court to commit juvenile offenders to the said institution. In all such cases there shall be paid monthly to the state treasurer for each boy committed by the court to said school or to any other state school from which he may have been transferred to said school, the sum of twenty dollars by the county from which such boy is committed, for and during each month or part of month such person so committed remains in such state school, or in any other state school within this state to which he may be transferred.

Repealed.

SEC. 8. Sections eight, fifteen, sixteen and twenty-two of said act are hereby repealed.

CHAPTER 553.

An act to add a new section to be numbered section nineteen eleven to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or

parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act ^{Juvenile} entitled "An act to be known as the juvenile court ^{court} law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen α eleven and to read as follows:

Sec. 19 α 11. In counties of the eleventh class there shall be one probation officer whose salary shall be one hundred fifty dollars per month. In counties of this class, there shall be one assistant probation officer whose salary shall be one hundred dollars per month. ^{Counties of 11th class, salary of probation officer.}

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. ^{Effect of act.}

CHAPTER 554.

An act to amend section one thousand seven hundred fifty-one of the Political Code, relating to qualifications for admittance to California high schools.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred fifty-one of the Political Code is hereby amended to read as follows:

Qualifica-
tions for
admittance
to high
schools.

1751. Any graduate of the elementary schools of this state and any other person who furnishes to the principal of the high school and to the county or to the city superintendent of schools having immediate jurisdiction over such high school, satisfactory evidence of his fitness for high school work, may attend high school in the district in which he resides under such regulations as the high school board may prescribe. Any person who is, under the provision of this section, eligible to attend a high school and who resides in a high school district, may attend a high school in a high school district in the same county, other than that in which he resides only upon such terms as may be agreed upon by the high school boards of the two districts, or, if such boards fail to agree, on such terms as the county superintendent of schools having immediate jurisdiction over the high school which he desires to attend may prescribe. Any person who is under the provisions of this section eligible to attend a high school and who resides in a high school district may attend high school in a high school district of another county only upon such terms as may be agreed upon by the high school boards of the two districts, or if such boards fail to agree, on such terms as may be agreed upon by the county superintendents of schools of the two counties concerned. Any person who is, under the provisions of this section, eligible to attend a high school and who resides in an elementary district not contained in a high school district, may attend any high school in the county in which he resides.

Person not
residing in
district.

Any person not residing in a high school district desiring to attend a high school in a high school district situate entirely outside the county in which such person resides, may attend such high school only upon such terms as may be agreed upon by the high school board of the high school which he desires to attend and the superintendent of schools of the county in which he resides, or if they fail to agree, on such terms as the superintendent of schools having jurisdiction by the provision of this article over the high school he desires to attend may prescribe.

Any person who is, under the provisions of this section, eligible to attend a high school and who resides in a county in which no high school is maintained, may attend any high

school of the state upon payment of such tuition by his county as the high school board may fix not exceeding the average cost per pupil in average daily attendance for maintenance of such high school during the previous school year.

When terms have been made and agreed upon by high school boards as provided for in this section, the superintendent of schools of the county in which such person resides is authorized and empowered to apportion and cause to be paid over to the high school which such person desires to attend, such portion of the high school fund of his county as he may deem equitable.

Nothing in this section shall be construed so as to compel a high school district to accept pupils from territory lying outside of such high school district boundaries where accommodations for such pupils are not available.

Any high school district may contract with another high school district for the education of its pupils entitled to attend a high school, in such subjects or in such grades as may be named in such contract or agreement, and may make such payments to such other high school district for the education of such pupils as may be agreed upon by the high school boards of the districts concerned.

CHAPTER 555.

An act to amend section four thousand two hundred seventy-two of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-third class.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-two of the Political Code is hereby amended to read as follows:

4272. In counties of the forty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of 43d class. salaries of officers.

1. The county clerk, one thousand nine hundred twenty dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of one thousand eight hundred dollars per annum, and one deputy clerk who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of one thousand five hundred dollars per annum, the salary of said deputies to be payable monthly in the same manner and out of the same fund as the salaries of the other county officers are paid. County clerk.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff one deputy sheriff, who shall be appointed by the sheriff and shall be paid a salary as follows: The sum of one thousand two hundred dollars per annum which sum shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the sheriff is paid.

Recorder.

3. The recorder, one thousand two hundred dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; and one deputy, whose office is hereby created, to be appointed by the recorder, who shall receive a salary of one thousand two hundred dollars per annum. The salary of said deputy shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The board of supervisors is hereby authorized to employ such number of copyists at such salaries and for such length of time as the said board may deem necessary to properly and expeditiously record all instruments and documents filed for record in the office of the county recorder of such county, and the salary of such copyist or copyists shall be paid out of the general fund of said county.

Auditor.

4. The auditor, six hundred dollars per annum.

Treasurer.

5. The treasurer, two thousand four hundred dollars per annum.

Tax collector.

6. The tax collector, seven hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the tax collector one deputy for a period not exceeding three months in any one year at a salary of one hundred dollars per month.

Assessor.

7. The assessor, two thousand seven hundred dollars per annum. He shall also be permitted to appoint such deputies as he may desire, of whom one shall be paid by the county for the term of twelve months, beginning on the first Monday in January in each year at the rate of one hundred fifty dollars per month, and one of whom shall be paid by the county for the term of four months beginning on the first Monday in March in each year, at the rate of one hundred fifty dollars per month, and one of whom shall be paid by the county at the rate of one hundred fifty dollars per month for the term of two months, said term beginning on the first Monday of March of each year. The board of supervisors shall allow the assessor to appoint extra deputies, other than as above provided, in the ratio of one for every three hundred assessment statements, or major fraction thereof in excess of two thousand eight hundred statements, and said extra deputies shall each serve four months in each year, at the will of the assessor, and shall be paid each one hundred fifty dollars

per month. All salaries of deputies as above provided, shall be paid in the same manner and at the same time as the salary of the assessor is paid. All commissions allowed by law to the assessor for the collection of poll tax, road poll, personal property or special taxes, shall be paid into the county treasury by the assessor, monthly as collected, for the use of the county, and shall be apportioned by the auditor and the treasurer to the salary fund.

8. The district attorney, one thousand eight hundred dollars District attorney. per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.

12. The surveyor, such fees as are now or may hereafter be allowed by law. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, ninety dollars per month; in townships having a population of less than four thousand and more than two thousand, seventy-five dollars per month; in townships having a population of two thousand or less, twenty dollars per month. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law; *provided*, that justices of the peace now holding office shall, during their present term, be entitled to retain for their own use all civil fees. Justices of the peace.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of more than four thousand, thirty-five dollars per month; in townships having a population of less than four thousand and more than two thousand, thirty dollars per month; in townships having a population of two thousand or less, fifteen dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. Constables.

15. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling expenses from his residence Supervisor.

to the county seat, and also necessary expenses when on official business outside the county.

Board of
education.

16. Each member of the county board of education, including the secretary, shall receive one hundred fifty dollars per annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile one way, from his residence to the place of meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred seventy.

Jurors.

17. In counties of this class grand and trial jurors in the superior court shall receive three dollars per day for each day's attendance while engaged in the performance of the duties required of them, and in addition thereto shall receive for each mile actually traveled, in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for such per diem and mileage, and the treasurer shall pay the same.

Librarian.

18. In counties of this class librarians shall receive one thousand eight hundred dollars per annum.

Population
of town-
ships.

19. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. nineteen hundred and twenty.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 556.

An act to amend section fifteen a of the juvenile court law, approved June 15, 1915, as amended, relating to the citation issued upon filing of petition.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section fifteen a of the juvenile court law, approved June 15, 1915, as amended, is hereby amended to read as follows: Stats. 1915, p. 1236, amended.

Sec. 15a. Upon the filing of a petition, as provided in section three of this act, alleging that there is within the county or residing therein a person who should be declared free from the custody and control of his parents, as defined in this act, or that there have occurred within the county acts constituting abandonment, neglect, cruelty or habitual intemperance, on the part of the parent or parents of such person, and praying that the superior court deal with said person as provided in this act, a citation shall issue, requiring the person or persons having the custody or control of said person or the person or persons with whom said person may be, to appear with said person at a time and place stated in the citation. Citation to issue upon filing of petition. The juvenile court, either of the county in which the person resides, or of the county in which he is found, or of the county in which the acts constituting the abandonment, neglect, cruelty or habitual intemperance occurred, shall have jurisdiction to hear and determine such proceeding, at the election of the petitioner. Service of such citation must be made at least ten days before the time stated therein for such appearance. The parent or parents of said person, if residing within the State of California, and if their place of residence be known to the petitioner, or, if there be no parent so residing, or if the place of residence of such parent or parents be not known to the petitioner, then some relative of said person, if any there be residing within the state, and if his residence and relationship to said person be known to the petitioner, shall be notified of the proceedings by service of citation requiring him or them to appear at the time and place stated in such citation. Service of such citations must be made at least ten days before the time stated therein for such appearance.

CHAPTER 557.

An act to amend section twenty of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births, and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict therewith," approved May 19, 1915.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats. 1915,
p. 286,
amended.

SECTION 1. Section twenty of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births, and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of act in conflict therewith," approved May 19, 1915, is hereby amended to read as follows:

Local
registrar's
fees.

Sec. 20. Each local registrar shall be paid the sum of twenty-five cents for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the state registrar, as required by this act, out of which fees he shall pay the subregistrar the sum of fifteen cents in cases where the certificate is registered with the subregistrar. And in case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect, but only if such report be made promptly as required by this act. All amounts shall be paid by the treasurer of the county in which the registration district is located, upon warrants drawn by the auditor. And the state registrar shall quarterly certify to the auditors of the several counties the number of births and

deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed herein; *provided*, that no fee shall be paid by the county to, or for the services of, any local registrar who is also clerk or health officer of any city or town and whose salary as such clerk or health officer is by law his sole compensation for his services.

CHAPTER 558.

An act to amend section nine of an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law under constitutional provision without the governor's approval February 25, 1901, as amended.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section nine of an act entitled "An act Stats 1907, p 611, amended. authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law under constitutional provision without the governor's approval February 25, 1901, as amended, is hereby amended to read as follows:

Sec. 9. All contracts by a municipality for the construction Contracts. or completion of any public work or improvement or for furnishing labor or materials therefor as herein provided shall be let and entered into as other contracts are let and entered into, by such municipality; *provided*, that any municipality of this state may, without awarding a contract for the construction or completion of any public work or improvement, or for furnishing labor or material therefor as herein provided, do any of said work directly, and shall have the power when such municipality elects so to do, to do said work directly, to purchase the materials, hire the labor and do all other things necessary for the doing of said work; *and provided, further*, that when any Work done jointly with U. S. of said public work is to be done and performed by any municipality jointly with the government of the United States, the portion of the cost thereof to be borne by such municipality may be turned over to the government of the United States to be expended by it in the performance of said public work.

CHAPTER 559.

An act to amend sections one, six, twelve, sixteen and twenty-four of an act entitled "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof," approved May 18, 1919, and to add six new sections to said act to be numbered six a, twelve a, twelve b, twelve c, twenty-three a and twenty-four a.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p. 731,
amended.

SECTION 1. Section one of an act entitled "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessment on lands benefited, to pay the costs and expenses thereof," approved May 18, 1919, is hereby amended to read as follows:

Petition for
establi-
shment of
drainage
system.

Section 1. Whenever twenty or more property owners or the owners of a majority of the land within a district proposed to be organized under this act, which district contains a body of wet, swamp or overflowed lands, or lands otherwise needing drainage, susceptible of drainage by a ditch or drain or a system of ditches or drains, and which said district is to be benefited by the construction of any improvements contemplated by this act, shall file with the board of supervisors of the county in which said lands are situated a petition for the establishment of such ditch or drain or system of ditches or drains, for the draining of said body of lands, defining the boundary of the district proposed to be benefited and defining the boundaries of such body of lands to be drained and giving a general description and approximate location of such ditch or drain or system of ditches or drains, and shall give said board of supervisors a good and sufficient bond, in an amount to be determined by said board, for the payment of all costs that may accrue in event that said petition shall not be granted, said board shall, within thirty days after the filing of said petition, appoint a day for the hearing of the same, which shall not be less than fifteen nor more than forty days after such appointment; and shall, also, cause to be published in some newspaper published and having a general circulation in the county, a copy of said petition, together with a notice by the clerk of said board of the time and place set for hearing said petition; said publication shall be at least once each week in a daily or weekly newspaper and for at least two weeks next preceding the time set for said hearing.

Hearing.

Sec. 2. Section six of said act is hereby amended to read as follows: Stats. 1919,
p. 733,
amended.

Sec. 6. Before ordering any work to be done under this act, the board of supervisors shall pass a resolution of intention so to do. Such resolution may be in form, and shall in substance, be as follows (filling all blanks): Resolution
of
intention.

In the matter of drainage district improvement No. —.

Resolution of intention No. — (both numbers being that of the district).

Resolved, That it is the intention of the board of supervisors of the county of _____, State of California, proceeding under and by virtue of the drainage district improvement act of 1919, and in the matter of drainage improvement district No. — (the number being that of the district) on the _____ day of _____, 19___, at the hour of ____m. of that day, or as soon thereafter as the matter can be heard, at the chambers of said board, to order work to be done as follows: (here insert a description of the work, stating the territorial extent thereof with all reasonable exactness, and other particulars generally, yet so as to indicate fairly and approximately its probable cost), the said work to be done in accordance with the plans and specifications therefor filed with the clerk of said board on the _____ day of _____, 19___ except as the boundaries of the district and the plans and specifications may be changed at the hearing hereinafter provided, which plans and specifications are made a part hereof, and to which all persons are referred for further particulars. For the cost and incidental expenses of the work and the cost of the proceeding, bonds will be issued in the total amount thereof, due and payable in _____ annual installments bearing interest at the rate of _____ per cent per annum, payable semiannually, all in gold coin of the United States.

A special fund for the payment of said bonds and interest thereon, to be designated drainage district improvement No. — (the number being that of the district) interest and sinking fund, is to be constituted by the levy and collection of special assessment taxes upon all land within a district to be known as "drainage improvement district No. — of the county of _____," (and it may be added: and partly by transfer of moneys from the county general fund) according to the procedure set forth in section twelve (or sections twelve a, twelve b and twelve c) of the drainage district improvement act of 1919.

Such district (as proposed) being all that territory in the county or counties of _____, State of California, within exterior boundaries as follows, to wit: _____ (The blank to be filled with a careful statement of the exterior boundaries of the district.)

Notice is hereby given that at the time herein specified for ordering the work, the matter of said drainage district improvement No.— will come up for hearing, and all objections

which under the provisions of said drainage district improvement act of 1919 are entitled to be heard or determined, will then be heard and determined, and the boundaries of said district and the plans and specifications will be then finally determined and established.

The ----- (here insert name and character of newspaper. If the district include lands within more than one county, as provided in section two, a newspaper, if any, published in each county, shall be designated) is (or are) hereby designated as the newspaper (or newspapers) for making publication of this resolution and for making all other publications in the proceeding.

The county surveyor is hereby appointed to superintend the work of said improvement.

The foregoing resolution was, on the ----- day of ----- 19---, passed by the board of supervisors of the county of -----, State of California.

Attest: -----

Clerk of the board of supervisors of said county
of -----

By -----

Deputy clerk.

SEC. 3. A new section is hereby added to said act to be numbered six a, to read as follows:

Payment by county.

Sec. 6a. In and as a part of the resolution of intention the board of supervisors may provide that the county will out of its general fund pay either a stated sum or a stated portion of the contract price to the contractor; *provided*, that said money shall not be so paid unless the board shall find that the expenditure thereof will promote or benefit the public health in the community in which the district lies or will protect any public road from damage by reason of storm water or overflow.

If it is provided in the resolution of intention, then the amount to be paid by the county shall become due and payable to the contractor upon the making of the final order prescribed in section fifteen of said act; and the amount paid the contractor shall be deducted from the amount for which bonds would otherwise issue.

SEC. 4. Section twelve of said act is hereby amended to read as follows:

Stats 1919, p 737, amended. Estimate of cost of work

Sec. 12. Immediately after executing a contract for the construction of the improvement, the board of supervisors shall direct the engineer of construction to estimate the total cost of making the proposed improvements and performing such proposed work (which estimate shall include all expenses of every kind incurred or to be incurred, either directly or indirectly, in carrying out said work and improvements), and to assess the same in proportion to the benefits thereof to the lands in said district, and to do all things proper and necessary to carry out the provisions of this act.

Said engineer of construction shall proceed to view the lands within the district and may examine witnesses under oath. He shall proceed to assess against the land within said district the estimated amounts of the cost of the proposed work or improvement and the expenses incident thereto, in proportion to the benefits to be derived from said work or improvements so far as he reasonably can estimate the same, including in such estimate of benefits the land whether operating property or not or of any public utility within said district, if such there be. He shall state the amounts to be assessed on each parcel of land separately, and shall divide the total assessment on each parcel of land into yearly installments of amounts clearly sufficient to retire the bonds and to pay the interest thereon for each year that said assessment shall continue. Assessment.

In estimating the total cost and expenses of doing said work, the engineer of construction shall be governed by the amount he deems necessary to pay the principal and interest on bonds to be issued therefor as herein set forth and all incidental expenses to be incurred as herein authorized. Such estimate shall be based upon the contract price for doing the work as set forth in the plans and specifications together with an estimate of the incidental expenses to be incurred.

The engineer of construction, having made his assessment of the benefits, shall with all diligence, and before the board of supervisors declares the work to have been completed, make a written report thereof to, and file the same with, said board, and shall accompany said report with a plat of the district showing the relative location of each block, lot or portion of lot, or other piece of land and its dimensions, so far as he can reasonably ascertain the same. Each block and lot, or portion of lot, or other parcel or parcels of land affected or assessed shall be designated and described in said plat by an appropriate number and a reference to it by such descriptive number shall be sufficient description of it in all respects. Said report of said engineer of construction shall also state the names of the persons owning lands over which a right of way for said improvement has been obtained, as well as the name of any lessee, encumbrancer, or other person having an interest in said land over which a right of way has been obtained, together with the particulars of their interest therein, and together with a waiver of any interest they may have had in said land so obtained for said right of way. Errors in the designation of the owner or owners of any land or improvement or any interest therein, or of the particulars of their interest, shall not affect the validity of the assessment. Report to board.

The report of such engineer of construction and the affidavit accompanying it shall be filed with the clerk of the board of supervisors, and said board shall thereupon fix a time for the hearing thereon, and thereupon the clerk of said board shall give notice of said hearing by publication once each week for at least three weeks prior to the time fixed for said hearing in the newspaper or newspapers designated in the Notice of hearing on report.

resolution of intention. Such notice shall be substantially in the following form:

Notice of the filing of the report of the engineer of construction of drainage improvement district No. — (the number being that of the district) of the county of-----.

Notice is hereby given that the engineer of construction of drainage improvement district No. — (the number being that of the district), did on the-----day of -----, 19---, file his report of the assessment of benefits in said district with the clerk of the board of supervisors of said county, which said report is now on file in the office of the said board of supervisors in the city of -----, of said county, and that said report will be heard by said board at its chamber on the ----- day of -----, 19---, at the hour of -----m. Said report and the map, plans and specifications of the improvements mentioned therein are hereby referred to for further particulars. All persons interested are hereby required to show cause, if any they have, at the time and place fixed for said hearing, why said report should not be adopted and confirmed by said board, and why the several parcels of land referred to in said report should not be assessed for said improvement as therein set forth. All objections shall be in writing, signed by the person objecting, and filed with the clerk of said board at least one day prior to the time fixed for the hearing of said report.

(Signed)-----
Clerk of the board of supervisors,
-----county.

Objections.

Any person interested may file with the clerk of said board at least one day before the time fixed for the hearing, a written objection to said report, or to any part thereof, to the assessment as a whole or to the assessments on the several parcels of land, as set forth in said report. At the time fixed for such hearing or at any time to which the hearing may be adjourned,

Hearing.

the board of supervisors shall hear and pass upon all objections so filed, and shall proceed to pass upon said report and the assessments therein contained, and may confirm, correct or modify the same, or may direct the engineer of construction to make a new assessment, report and plat which shall be filed, heard and acted upon in the same manner, and on like notice as an original report. The action of the board upon the report and objections thereto shall be final and conclusive as to all matters therein, and no assessment shall be set aside except upon such hearing for any error, defect, or informality therein, or in the proceedings prior thereto, where notice of the hearing of the report has been given as herein prescribed. The board of supervisors shall, upon the adoption of said report, by order entered upon its minutes, levy against and upon all lands within said drainage improvement district No. — (being the district as established and bounded in the order for the work to be done) a special assessment upon the lands found to

Action of board.

Levy of special assessment.

be benefited by such improvement in the amount set forth in the said report of the engineer of construction as adopted by the board of supervisors, and which said amount shall be available for the payment of said bonds and the interest thereon. Said assessment shall be payable as herein provided at the times and in the amounts indicated in said report of said engineer of construction. When the said board has levied the special assessment as hereinabove set forth, the clerk of said board shall cause to be filed with the recorder, and with the tax collector of the county or counties in which the district is situated, certified copies of the plat and report as adopted and confirmed by said board, together with certified copies of the order of said board levying said special assessment, and also give to the county auditor notice of the total amount of the installments for each year. If the district lies within more than one county as provided in section two, said certified copies shall be filed with the recorder and tax collector of each county affected. Upon the filing of such certified copies the charges assessed upon each piece of land for the first year shall immediately become due and payable, and shall constitute a lien thereon; thereafter the installments for the succeeding year shall become due and payable on the third Monday of October of each year, and shall thereupon constitute a lien upon the land against which it is assessed.

All moneys paid upon such assessment, either by property owners or by the county or municipality affected, shall be placed in the county treasury of the county in which such district was organized in a special fund to be known as drainage district improvement No. — interest and sinking fund (the number being that of the district), and shall be used only to retire the bonds issued to pay the cost of constructing the improvement and the incidental expenses thereof, and to pay the interest on said bonds. Any surplus remaining after the bonds are retired, shall be paid into the maintenance fund of said district. Upon the filing of the certified copy of the report, assessment plat, and order with the tax collector of the county or counties as above provided, the tax collector shall give notice by ten days publication in the newspaper designated in the resolution of intention, that the assessment list of drainage improvement district No. — has been filed in his office, with the date of such filing; that the first installments entered thereon are due and payable, and that if not paid on or before the last Monday of April next ensuing the same will become delinquent and will be collected as are delinquent taxes. He shall note on said assessment list all assessments paid, and give receipts as upon the payment of taxes, and shall pay all money collected into the county treasury at the same time and in the same manner as money collected for taxes.

Subsequent collections of installments shall be made in the manner above set forth, and the tax collector shall annually publish a like notice, and the same proceedings shall be had as upon the collection of the first installment.

Special
fund to
retire
bonds.

Delinquent
installments.

When said installments have become delinquent the tax collector of the county shall proceed to collect the same, together with an additional ten per cent added thereto, and pay the same over to the county treasurer as state and county taxes are collected and paid over; for the purpose of collecting such assessments and delinquent installments and penalties, all of the provisions of chapter seven, title nine, part three of the Political Code not in conflict with any of the provisions of this act are hereby made applicable. The entire assessment against a parcel of land within the district, subsequent installments as well as the installment for the current year, may at any time be paid in full.

SEC. 5. A new section to be numbered twelve *a* is hereby added to said act to read as follows:

Alternative
method for
levying tax.

Sec. 12*a*. As an alternative method for the levying and collection of the special assessment taxes for the payment of the principal and interest of the bonds of any district the board of supervisors may provide in the resolution of intention of the district that the provisions of this and the two following sections shall apply. In such event the county surveyor shall immediately after the execution of the contract for the doing of the work proceed to view the lands within the district to determine the benefit that will accrue to the respective parcels in said district from the proposed improvement. He shall thereupon with all diligence and before the completion of the work prepare a map which shall show: (1) the boundaries of said district; (2) the location of the proposed work; and (3) zones composed of the contiguous parcels or pieces of land within the district equally benefited by the proposed work. As many zones may be shown as are necessary and each zone shall be designated by a number or letter shown on the map. The boundaries of each zone shall be plainly marked on said map so that all persons interested may with accuracy ascertain in which zone any parcel of land is located.

Zones.

When said map is prepared it shall be presented to the board of supervisors together with a statement signed by the county surveyor setting forth the percentage of the whole sum to be raised each year in said district for the payment of the principal and interest of the bonds of the district which should be raised in each zone. The board of supervisors shall examine said map and statement and either order modifications made or approve it.

SEC. 6. A new section to be numbered twelve *b* is hereby added to said act to read as follows:

Hearing on
report of
county
surveyor.

Sec. 12*b*. When said map and statement are approved, either when originally presented or after modification, they shall be filed with the clerk of said board. Thereupon the board of supervisors shall fix the time for a hearing on the map and statement, and the clerk of the board shall give notice of such hearing by a publication once each week for at least three weeks prior to the time fixed for said hearing (but the

third publication may be on the day of the hearing) in the newspaper or newspapers designated in the resolution of intention. Such notice shall be signed by the clerk and be substantially in the following form:

“Notice of hearing on the report of the county surveyor with respect to the assessment zones in drainage improvement district No. ___ of the county of. _____.

Notice is hereby given that the map and statement provided for in section 12a of the drainage district improvement act of 1919 has been filed with the clerk of the board of supervisors in the matter of drainage district improvement No. ___ and that said board has fixed the _____ day of _____, 19__ at the hour of _____m. as the time and the chambers of said board as the place for hearing any objections to said map or statement.”

Any person interested may file a written objection with the board before the time set for the hearing, or may appear before the board at the time and place set forth in said notice, or at any time to which the hearing may be adjourned, for the purpose of making objection to any matter pertaining to the map or statement, or to the confirmation of the same. The board shall hear any objection made, and shall thereafter confirm the map and statement as presented, or after correction or modification then ordered made, or may direct a new map and statement to be made in place of the one on file. In the event that a new map and statement is ordered it shall be presented and be acted upon in like manner and on like notice as if it were an original report. The action of the board upon the map and statement and any objections thereto shall be final and conclusive as to all matters pertaining thereto, and no assessment shall be held invalid and no objection shall at any time thereafter be made to any matter which could have been heard and corrected by the board at said hearing, if notice of said hearing was given as in this section provided.

Objections.

Action of board.

SEC. 7. A new section to be numbered twelve c is hereby added to said act to read as follows:

Sec. 12c. After the confirmation of the map and statement and the issuance of bonds (as hereinafter in this act provided) the board of supervisors shall annually at the time of making the tax levy for general county purposes levy special assessment taxes on the land (exclusive of improvements but inclusive of the land of public utilities) within the several zones theretofore established. The board shall determine the total sum that will be needed to meet the payments of principal and interest on the bonds of the district that will fall due before the proceeds of the next annual levy are available, and shall determine the amount to be raised from each zone according to the percentage fixed for each zone. The special assessment tax to be levied in each zone shall be at the rate based on the value of the land in the zone as assessed for the purpose of general county taxation clearly sufficient to raise the amount determined by the board to be raised from such zone. The special

Taxes on land within zones.

assessment taxes provided for herein shall be levied and collected in the same manner and by the same officers as the ordinary county taxes, and all laws applicable to the levy, collection and enforcement of such county taxes are hereby made applicable to such special assessment taxes.

The board of supervisors may annually at the time of making any special assessment levy, transfer to the interest and sinking fund of any drainage improvement district from the general fund of the county, such amount as the board of supervisors may determine, not to exceed, however, one half of the sum that would but for such transfer have to be raised by such special assessment levy.

All moneys collected from the special assessment taxes levied on the zones of any district shall be placed in the county treasury in a special fund to be known as the "drainage improvement district No.-- interest and sinking fund" (the number being that of the district) and shall be used only to pay the principal and interest of the bonds of the district. Any surplus remaining in said fund after all the bonds have been retired shall be transferred to the maintenance fund of the district.

Stats. 1919, p. 745, amended.

Drainage district improvement bonds.

SEC. 8. Section sixteen of said act is hereby amended to read as follows:

Sec. 16. Upon the expiration of twenty days after the making of the final order provided in section fifteen of this act, the clerk of the board of supervisors shall transmit to the county treasurer of the county an attested copy of said final order, and upon receipt of the same, the treasurer shall proceed to issue bonds amounting in the aggregate to the principal sum for which bonds are to be issued as the same is stated in said final order. A bond may be issued in any amount, provided that the aggregate of the bond or bonds made payable in any one year is the proper part of the whole principal of the bond issue as specified in said final order, and that the interest thereon shall be payable as hereinafter provided. The said bonds may in form, and shall in substance, be as follows:

Form.

DRAINAGE DISTRICT IMPROVEMENT BOND.

County of-----, State of California.

Drainage Improvement District No.--

\$ ----- Bond No. -----

Under and by virtue of an act of the legislature of the State of California, known as the "drainage district improvement act of 1919," (here may be inserted a further designation of the act if desired) the county of -----, State of California, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of the said county, on the ----- day of -----, 19--, the sum of ----- dollars in gold coin of the United States of America, with interest thereon, in like gold coin at the rate of ---- per cent per annum, payable semi-

annually on the _____ day of _____
 and the _____ day of _____ each year
 from the date hereof (the last installment thereof shall be
 payable at maturity of this bond) upon presentation and sur-
 render, as they respectively become due, of the proper inter-
 est coupons hereto attached, the first of which is for interest
 from date hereof to the next date of interest payment, and the
 last for interest to maturity hereof from the last preceding
 date of interest payment.

This bond is issued under and in conformity with the pro-
 visions of said drainage district improvement act of 1919 and
 the amendments thereof, and is one of a series of bonds of
 like date and effect numbered from one to _____
 consecutively, amounting in the aggregate to _____
 _____dollars, issued in behalf of drainage
 improvement district No. ___ of said county, which con-
 stitutes the only indebtedness of said district. It is hereby
 certified, recited and declared that all proceedings, acts and
 things required by law precedent to or in the issuance of this
 bond have been regularly had, done and performed, and this
 bond is by law made conclusive evidence thereof.

This bond is payable out of drainage district improvement
 No. ___ interest and sinking fund exclusively, as the same appears
 on the books of the treasurer of said county, and neither said
 county nor any officer thereof shall be holden for its payment
 otherwise.

In witness whereof said county has caused this bond to be
 signed by the chairman of its board of supervisors and
 countersigned by its treasurer and the seal of said board to
 be hereto affixed and said interest coupons to be signed by the
 said treasurer this _____ day of _____, 19___.

 Chairman of the board of supervisors of
 the county of _____

(Seal of board
 of supervisors)

Countersigned: _____
 Treasurer of the county of _____

Said bonds shall be signed by the chairman of the board of
 supervisors and countersigned by the treasurer of the county,
 and shall have the seal of said board of supervisors thereto
 affixed, and when so signed shall be binding according to the
 terms thereof as prescribed in said form. The interest cou-
 pons attached to said bonds shall be in such form as said
 treasurer may determine, subject to the provisions of this
 act and the approval of the board of supervisors. Said
 coupons need be signed only by the treasurer, either in
 writing or by lithographed or printed facsimile. Said bonds
 shall be delivered by the said treasurer to said contractor or
 to his order, assignee, or lawful representative.

The board of supervisors is hereby vested with power to ^{Term and}
 determine the number of years, not to exceed twenty, within ^{Interest.}

which the aggregate principal of bonds to be issued under this act shall be paid and discharged, and to fix the rate of interest, not to exceed seven per cent per annum, to be paid thereon, and it shall be a sufficient determination and fixing of the same to set forth in the resolution of intention that bonds will issue for the work in any terms that will fairly indicate such time and such rate and the fractional part of the principal to be paid each year; *provided*, that the first fractional part of said principal shall not become due and payable for two years after the issuance of said bonds, which fractional part, for each year except the first and last, shall be that multiple of one hundred dollars nearest the amount obtained by dividing the amount of the total bond issue by a number equal to one less than the number of years through which said bond issue is to continue, and for the last year shall be for the balance of the total bond issue not provided to be paid in the previous years.

The interest payments on said bonds shall become due and payable semiannually on such dates as will cause the final installment thereof to become due and payable on the date of the maturity of the bond in the manner indicated in said form of bond. Interest and principal shall be payable at the office of the county treasurer in gold coin of the United States of America; but it shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in such gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

SEC. 9. A new section is hereby added to said act, to be numbered twenty-three *a*, to read as follows:

Ad valorem
tax for
maintenance
and repairs.

Sec. 23*a*. The board of supervisors shall each year, at the time of making the levy of taxes for county purposes, levy an ad valorem tax upon the taxable property in each drainage improvement district in its county organized under this act in an amount sufficient to raise the revenue which will be needed for the current year for maintaining and repairing the works and improvements for said district. Said tax, when levied, shall be entered upon the assessment roll and collected in the same manner as state and county taxes. When collected it shall be placed in the treasury of the county in a fund to be designated "drainage district improvement No.— maintenance fund," (the number being that of the district), and shall be used only for the purpose for which it was raised. If said district includes land within more than one county as above provided in section two, the ad valorem tax herein provided to be levied, shall, by each of said counties be collected from that portion of the district lying within its boundaries; and said counties shall pay said tax so collected over to the county having jurisdiction of said district.

SEC. 10. Section twenty-four of said act is hereby amended to read as follows:

Stats. 1919,
p. 749,
amended
Maintenance.

SEC. 24. The engineer of construction shall, subject to the approval of the board of supervisors, do all things necessary for the proper maintenance of the improvement. The compensation of any assistants or employees or the cost of any material necessary shall be payable out of the maintenance fund. If, for any reason whatsoever, there be insufficient money in the maintenance fund to pay the compensation of any such assistants or employees or the cost of any material, the county shall advance the remainder necessary to pay the compensation of said assistants or employees or the cost of said materials, and shall reimburse itself from moneys paid into said maintenance fund.

All drainage district improvements constructed under the act of 1903, being the act referred to in section twenty-seven of this act, existing at the time this amendment takes effect shall be maintained in like manner.

SEC. 11. A new section to be numbered twenty-four *a* is hereby added to said act to read as follows:

SEC. 24*a*. Whenever, in any drainage improvement district formed and organized under the provisions of that certain act entitled "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie," approved March 21, 1903, or whenever, in any drainage improvement district formed and organized under this act and in which a report has been finally approved by the board of supervisors as set forth in section twelve hereof, any single parcel of land within said district is subdivided or the ownership of a portion of said parcel of land is transferred to another person, the owners of said parcel may make application to the board of supervisors to have each portion of said parcel of land assessed separately.

Separate
assessment
of parcels
of land.

The board of supervisors shall thereupon order the engineer of construction to file with the clerk of the board of supervisors an amended assessment of the original parcel of land affected.

Each year, prior to the first day of July, the engineer of construction shall file with the clerk of the board of supervisors a report and an amended assessment of such parcels of land as have been ordered by said board, together with a plat showing how such parcels of land have been divided and the area in square feet of each of the portions of said parcels of land. Said report shall conform in all respects to the original, and the total amount of the assessments of the several portions of any one original parcel shall be equal to the unpaid assessment of that original parcel of land.

Each portion of the parcel of land of which an amended assessment is made shall retain the original number designating said parcel of land and shall be further identified by a secondary number, or suffix, and thereafter reference to said portion by said original number and suffix shall be sufficient description for all purposes.

At the time the engineer of construction files the amended assessments as ordered by the board of supervisors, he may also file amended assessments on any parcels of land which have been subdivided or otherwise affected prior to the first Monday in March of that year by the recording in the office of the recorder of the county in which said parcels of land are located, of a map, in accordance with the map laws pertaining to the subdivision of land.

Upon the filing of said report and amended assessment, the board of supervisors shall proceed as in the case of an original assessment to give notice and to hold a hearing; *provided*, that the final action of the board of supervisors on said report and amended assessment shall be taken before the first Monday of September of that year.

When the said board has adopted the amended assessments as herein provided the clerk of said board shall cause to be filed with the recorder and with the tax collector of the county or counties in which the district is situated, certified copies of the plats and report as adopted and confirmed by said board and thereupon and thereafter such amended assessments shall be considered as having superseded and replaced the assessment of any original parcel affected.

CHAPTER 560.

An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A public utility district may be incorporated and managed as herein provided in unincorporated territory and may exercise the powers herein expressly granted.

SEC. 2. Whenever the people of unincorporated territory shall desire to organize such a district, their petition shall describe such territory, and shall be signed by electors of such territory equal in number to fifteen per centum of all the votes cast for all candidates for governor within the same at the last preceding general election at which a governor was elected, and shall be presented to the board of supervisors of the county within which such territory is situated,

Public
utility
district in
unincor-
porated
territory.
Petition
to
organize
district.

and it shall be the duty of the clerk of such board to immediately proceed to examine and verify the signatures to such petition and to certify the result of such examination to such board of supervisors. Nothing herein contained shall be so construed as to prevent such board of supervisors from responding to such petition by proceeding to pass at any regular meeting an ordinance declaring that the public interest requires the incorporation by such unincorporated territory of a public utility district under this act, comprising such unincorporated territory and stating the name of the proposed district, which shall include the words "public utility district." Such ordinance, if enacted, shall provide for the submission of the proposition by such board of supervisors to the electors of such unincorporated territory at a special election.

SEC. 3. A petition may consist of any number of separate instruments, all of which together shall constitute one petition. A separate petition is required from each unit of the proposed district. All unincorporated territory participating in the proceedings and situated in one and the same county shall be regarded and treated for the purposes of the proceedings as an entirety and as a unit. No elector within any one such unit of the proposed district shall sign any such petition of the electors of any other such unit of the proposed district. Each such petition shall, in addition to all other matters required to be stated therein, also name or describe the territory within which the electors signing the same reside. Form of
petition.

Every petition for the formation of a public utility district shall set forth the boundaries of the proposed district, and the name of the proposed district, which shall include the words "public utility district." Every such petition shall also contain a prayer that a public utility district comprising all of the proposed territory, or such portions thereof as are designated in the petitions as essential to its formation as hereinabove provided, be incorporated under the provisions of this act. Every elector signing any such petition shall write his address opposite his signature thereto.

SEC. 4. An "elector," or "voter," or "qualified elector," for all purposes of this act, is any voter whose name appears on the great register of the county in which the public utility district is located, or any supplement thereto, as is then allowed by general law to be used to determine the eligibility of persons to vote at municipal or county elections, and whose address appearing on such great register or supplement is in the same unincorporated territory, as the address given by him on the certificate or petition that may be signed by him. All words used anywhere in this act in the masculine gender include the feminine. The singular number includes the plural and the plural the singular. Definitions.

Such great register or supplement thereto, and certificates in due form of notaries public, or verification deputies provided for by this act, acknowledging the signature of any voter to

any petition or certificate under the provisions of this act, shall be sufficient evidence for all purposes of this act.

Verification
deputies.

All verification deputies under this act shall be qualified electors residing within the territory of the proposed district, or of the district formed under this act, for which they are appointed. Verification deputies required to verify signatures to petitions for the formation of a district, or to certificates or petitions nominating candidates for election to the first board of directors of newly formed districts, hereunder shall be appointed by the county clerk or county clerks of the county or counties in which the territory of the district is situated, and verification deputies required for any other purpose under the provisions of this act after the formation of a district hereunder shall be appointed by the clerk of the district. Such appointments shall be made upon written application of not less than five (5) nor more than ten (10) qualified electors of any territorial unit or units of the proposed district, or of the district formed hereunder, as the case may be. The said application shall set forth that the signers desire the appointment of the person whose name and address is given therein to be a verification deputy for the purpose of taking the oaths of signers of petitions (or certificates) in the matter of ----- Such verification deputies need not use a seal, and shall not have power to administer oaths for any purpose other than that for which they are appointed. Their appointment shall continue only for ninety (90) days from the date of said appointment. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the county treasury or the treasury of a district formed hereunder. All verification deputies must, before their appointment, make and file with the clerk or clerks appointing them, respectively, an oath as to their ages, places of residence, occupation and whether or not they are qualified electors residing within the territory of the proposed district, or of the district formed hereunder, for which they are appointed.

If petition
is
insufficient.

SEC. 5. If, by the certificate of the county clerk, any petition hereinabove provided for is found to be insufficient, he shall certify to the number of qualified electors required to make such petition sufficient in addition to the signatures already thereon and verified by him, and said petition may then be amended by filing a supplemental petition within ten days from the date of such certificate. The county clerk, shall within ten days after the filing of such supplemental petition make a like examination of the same and certify to the result of such examination, as herein provided. If this certificate shall show any such petition as amended to be insufficient, it shall be filed by him in his office and kept as a public record, without prejudice, however, to the filing of any other petition to the same effect at some future time not less than six months thereafter. But if by such certificate such petition, or such petition as amended, is shown to be sufficient, the clerk shall

present the same to the board of supervisors of such county, without delay, with his certificate attached thereto and properly dated.

If any supplemental petition be filed, all signatures appended to the petition and to the supplemental petition shall be considered in determining the number of qualified electors signing the petition. After the election for the incorporation of such proposed public utility district, the sufficiency of the petition, in any respects, shall not be subject to judicial review or be otherwise questioned.

Each board of supervisors of a county, to whom a petition of electors shall have been presented, as hereinabove provided, shall within fifteen days after such presentation publish a copy of the said petition, together with a statement that the proposition involved therein, which shall be briefly specified, will be submitted by it to the qualified electors of its respective unincorporated territory at a special election to be held thereafter in each such respective territory. Publication
of petition

The publication hereinabove provided for shall be for at least ten consecutive times in a daily newspaper of general circulation, printed, published and circulated in the respective unincorporated territory, or, if no such newspaper is printed, published and circulated in such territory, then in such daily newspaper printed and published elsewhere in the county and deemed most likely to give notice to the electors of such territory; or for at least three consecutive times in a weekly newspaper of general circulation similarly printed, published and circulated, if there be no such daily newspaper.

SEC. 6. Such special election shall be held not less than twenty, nor more than forty, days after the completion of said publication, and shall be called by each such board of supervisors, respectively, by ordinance, which shall specify the purpose and time of such election, and shall establish the election precincts, and designate the polling places therein and the names of the election officers for each precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in the respective unincorporated territory, or, if no such newspaper is printed, published and circulated in such territory, then in such daily or weekly newspaper printed and published elsewhere in the county and deemed most likely to give notice to the electors of such territory. The notice of such election shall also be posted in at least two public places in each precinct within each unincorporated territory in which such election is held for at least ten days prior to such election. Such election shall be held and conducted, the returns thereof canvassed, and the result thereof declared by said board of supervisors, respectively, in the manner that is now or may hereafter be provided by general law for such elections in the particulars wherein such provision is now or may hereafter be made therefor, and in all other respects in Special
election.

the manner provided by law for the holding of special elections within such counties, respectively.

Statement of proposition.

The proposition to be submitted at such election shall be stated upon the ballot to be used in the unincorporated territory respectively in which such petition is signed and presented, substantially as follows, to wit:

“Shall ----- public utility district (naming it) be organized under the provisions of the public utility district act.

Yes
No

Certificate showing result.

SEC. 7. Within five days after the result of the election is declared, and the order is made where required, as hereinabove provided, the chairman of the board of supervisors of each county containing unincorporated territory, wherein such elections are held, shall make and execute a certificate, to be signed by him as such official and authenticated under the seal of such county, setting forth the proposition submitted to the electors, the fact of such submission, and the result of the said election in such unincorporated territory, as so declared.

The certificate hereinabove provided shall be made and executed in duplicate, and shall be delivered in duplicate without delay to the board of supervisors of the county in which the proposed public utility district, or the greater portion thereof in point of population, is situated, or to the clerk of such board.

Majority vote.

SEC. 8. All of said certificates shall be so delivered, and the board of supervisors receiving the same shall meet and examine said certificates within three weeks after all of said elections are held; and if it appears from said certificates that a majority of the votes cast at said elections in each unincorporated territory, in which such elections are held, is in favor of the incorporation of the utility district, the said board of supervisors shall, by order entered on its minutes, so declare and shall in and by said order state the name and boundaries of the district, and that such district is formed accordingly under the provisions of this act.

In case it appears from said certificates that a majority of the electors voting at such election has voted against the formation of the district, the proceedings shall fail entirely.

Wherever in this act the words “original and primary proposition” are used, the same are hereby declared to mean the proposition to incorporate the proposed district with all of the proposed territory joining in the proceedings and mentioned and described in the several petitions presented by the electors, as hereinabove provided.

Filing certificates.

SEC. 9. When the said board of supervisors has completed its examination of said certificates, and has made the order provided in the last preceding section of this act, it shall forthwith cause to be attached together said duplicate certificates in two rolls, each roll to contain one of each of said certificates and a copy of said order of said board of supervisors, duly certified under the hand and the official seal of the clerk of

said board of supervisors, and one of said rolls shall be by said board caused to be forthwith deposited and filed in the office of the secretary of state, and the other, after being recorded in the office of the recorder of each county in which any part of said district is situated, shall be filed in the office of the county clerk of the county wherein the district, or the greater portion thereof in point of population, is situated. Upon the receipt of said duplicate roll by the secretary of state he shall issue his certificate reciting that said duplicate roll is filed in his office and that the public utility district, naming it, is incorporated as a public utility district under the provisions of this act; which said certificate shall be forwarded to the said board of supervisors and by it held and delivered to the board of directors of the district after the election and organization of said board, as hereinafter provided. No charge shall be made by either the secretary of state or any county recorder or county clerk for the services required of him under the provisions of this section. From and after the date of the filing of said duplicate roll with the secretary of state, the public utility district named therein shall be deemed incorporated as a public utility district under the provisions of this act, with all the rights, privileges and powers set forth in this act.

Certificate
of
secretary
of state.

Sec. 10. No informality in any proceeding, or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of any public utility district, and any proceedings wherein the validity of such incorporation is denied shall be commenced within twenty days after the date of the certificate of incorporation; otherwise said incorporation and the legal existence of said public utility district, and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestible. If any such contest is brought, it shall be brought in the superior court of the county where the public utility district, or the greater portion thereof in point of population, is situated; *provided*, that if more than one contest be pending they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest and determine upon the hearing whether the election was fairly conducted and in substantial compliance with this act, and enter its judgment accordingly. The right of appeal is hereby given to either party to the record within thirty days from the entry of judgment, and the appeal must be heard and determined by the supreme court within sixty days from the filing of the notice of appeal.

Validity
of in-
corporation.

Sec. 11. At an election to be held within such public utility district under the provisions of this act, the public utility district thus organized shall proceed within ninety days after its formation to the election of a board of directors, consisting of as many members as there are territorial units in the district, and as many additional members, not less than three nor more than four, as may be required to constitute a board

Election
of board
of
directors.

composed of an odd number of directors; *provided*, that where the district lies entirely in one county the number of directors shall be three, elected at large. Such election shall be held in the unincorporated territory included within the district and shall be called by the board of supervisors of the county in which the district, or the greater portion thereof in point of population, is situated, and shall be called, held and conducted, the returns thereof canvassed, and the result thereof declared by such board of supervisors, in the manner and form now or hereafter provided by law for the holding of special elections within such county. Nominations for the office of director shall be had and made for the purposes of such election in all respects as is now or may hereafter be provided by law for the nomination of county officers elected within counties. A certificate of election shall be issued by said board of supervisors to each person elected and declared elected.

Each unit
to have one
director.

SEC. 12. All unincorporated territories situated in one and the same county and included within the district shall be so regarded and treated as an entirety and as a territorial unit of the district. Each unit of unincorporated territory having a population of at least five thousand, shall be entitled to one director, and candidates for the office of one director shall be nominated from each such respective unincorporated territory, and the remaining number of directors shall be nominated from the district at large. Each director shall have the status of a separate office for the purpose of nomination and election thereto, and, in case of a vacancy, for the purpose of filling such vacancy. Candidates for directors at large shall be designated in all declarations of candidacy, nominating certificates, and on all official election ballots as candidates for director at large number one, number two, number three, or number four (said numbers to be stated after the designating title "director at large," there being as many numbers from one up as there are directors at large to be elected), in accordance with the declarations of candidacy, which said candidates shall have filed with the county clerk or the clerk of the district, as the case may be.

Directors
at large.

Candidates for director for or from the several units of unincorporated territory in the district entitled to one director each, as above provided, shall be designated in all declarations of candidacy, nominating certificates, and on all official election ballots as candidates for director from ----- unit, ----- unit, ----- unit, and so forth (giving the name or other designation, herein provided, of the respective unincorporated territory, constituting the unit entitled to the office of director to be filled and for which said candidates severally declare themselves and are nominated as candidates, and are to be designated as candidates upon the official election ballots; said name or other designation, or names or other designations, to be stated after the designating title "director from," in accordance with the declarations of candidacy which said can-

didates shall have filed with the proper clerk, as herein provided.

In case only one unit of unincorporated territory is contained in the district, it is sufficient for naming or designating the same to refer to it as "the unincorporated territorial unit," but in case two or more such units are contained in the district, they shall be numbered, named and designated by the board of supervisors in charge of the election of the first board of directors, and subsequently from time to time by the board of directors of the district as unincorporated territorial unit number one, number two, number three and so forth, there being as many numbers from one up as there are such units in the district.

Such number, name and designation shall be given to each such unit by said board of supervisors by ordinance at a regular or special meeting of said board held after the formation of the district, and in time to permit of the publication and taking effect of such ordinance before the earliest time when nominating certificates and declarations of candidacy may be filed, as herein provided, and shall thereafter remain in force until the board of directors of the district, by ordinance, shall number, name and designate such units as herein provided.

None of said designations by name or number of all or any of the directors shall have any significance whatever after election and qualification of the directors elected at such election, or after appointment and qualification of a director appointed to fill a vacancy, but shall fix the name or other designation and status of each such designated office as a separate office for the purpose of nomination and election thereto, or for the purpose of filling the same in the case of a vacancy therein by appointment as herein provided. The foregoing provisions of this section shall apply to the election of the first board of directors of the district organized under this act, as well as to all elections of directors held by the district at any time after its incorporation and organization.

Said population of each unit of unincorporated territory within the district shall, at the time of calling the election herein provided for the election of the first board of directors of the district, be determined by the board of supervisors charged with the duty of calling such election and such determination shall be stated in the ordinance calling such election and in the notice of the election. Such determination shall continue in force until set aside by the board of directors of the district. The board of directors of every district formed under the provisions of this act shall determine from time to time, as to them shall seem proper or necessary, the number of inhabitants of each unit of unincorporated territory within their district, and declare the same by ordinance, and every such determination shall continue in force until another such determination is subsequently made. All such determinations shall be based upon the last preceding census taken by the United States, or upon the last preceding census of the county

Determina-
tion of
population.

in which such unit of unincorporated territory is situated in case the board of supervisors of such county shall have taken or caused to be taken a census of their county since the last preceding census of the United States.

Subsequent
elections.

SEC. 13. All subsequent elections of directors shall be called and held by the board of directors of the district, and the same shall be called, held and conducted, nominations for the office of director made, the returns thereof canvassed, and the result thereof declared by the board of directors as hereinafter provided.

Term.

SEC. 14. The directors of any district created after the passage of this act, on the first Tuesday after their election, and after they shall have qualified, shall meet and classify themselves by lot, so that the largest possible minority shall hold office for two years, and a majority of them for four years. Thereafter at each biennial public utility district election a number of directors corresponding to the number whose term of office shall so expire shall be elected for the term of four years.

Vacancies.

SEC. 15. In case of a vacancy in the office of director from or for an unincorporated territorial unit within the district, the vacancy shall be filled by appointment by the board of supervisors of the county, respectively, from which such vacancy occurs. In case of a vacancy in the office of a director at large the vacancy shall be filled by appointment by the board of directors of the district. The officer appointed as above provided shall hold his office for the unexpired term of the director whom he is appointed to succeed, and until his successor is elected and qualified. If a person elected fails to qualify, the office shall be filled as if there was a vacancy in such office.

Director
at large.

SEC. 16. A director at large shall be a resident and qualified elector of the public utility district, but not necessarily of the territorial unit, from which he is nominated.

General
election
law to
govern.

SEC. 17. The provisions of law, now or hereafter made and provided, relating to the manner of holding and conducting general elections held for the election of state and county officers, the mode and manner of nominating county officers, of voting, the duties of election officers, the canvassing of returns, and all particulars in respect to the management of such general elections, as far as they may be applicable, shall, except as in this act otherwise provided, govern all public utility district elections. The returns of all such elections shall be directed to the clerk of the district, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said clerk, and the ballots shall be kept unopened for at least six months; but if any elector of the district be of the opinion that the votes of any precinct have not been correctly counted, he may contest the election in the manner and form and within the time provided by general law for contests of state and county elections, and all the provisions of the general law relating to election contests and the recounting of ballots

cast at general state and county elections, shall be applicable, so far as practicable, to contest of district elections and the recounting of ballots cast thereat.

SEC. 18. The board of directors must meet at its usual place of meeting on the first Monday after each district election to canvass the returns. If at the time of the meeting the returns from each precinct in the district in which the polls were open have been received, the board of directors must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district for each person voted for or each proposition voted upon, and declaring the result of the election. Canvass of vote.

SEC. 19. The clerk must, as soon as the result is declared, enter in the record of the board a statement of such result, which statement must show: Statement of result.

- (1) The whole number of votes cast in the district and in each municipality or other territorial unit thereof;
- (2) The proposition or the names of the persons voted for;
- (3) The office to fill which each person was voted for;
- (4) The number of votes given in each precinct to each such person, or for and against any proposition voted upon.

The board of directors must declare elected the person having the highest number of votes given for each office. The clerk must immediately make out and deliver to such person a certificate of such election, signed by him and authenticated with the seal of the board.

No informality in conducting public utility district elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this act.

SEC. 20. The biennial public utility district election for the election of directors shall be held on the first Tuesday of May in each second year after the formation of the district. This election shall be known as the general district election. General district election.

SEC. 21. No person shall be entitled to vote at any district election held under the provisions of this act unless such person possesses all the requirements of an elector under the general election laws of the state, nor unless he shall be a duly qualified elector residing within the district. Qualifications of voters.

SEC. 22. The powers of the district hereinafter enumerated shall, except as herein otherwise provided, be exercised by the board of directors of the district. Powers exercised by directors.

SEC. 23. The other officers of the district shall be (1) a clerk, who shall also be ex officio secretary of the board of directors; (2) an accountant; (3) a treasurer, and (4) a general manager, all of whom shall be appointed by the board of directors, and shall receive such compensation as may be provided for them by the board of directors by ordinance, and they shall hold office during the pleasure of the board. They, Other officers of district.

or any of them, shall be required to give such a bond as may be prescribed by the board of directors, and they shall perform such duties as are hereinafter provided, and such further duties as may be imposed upon them by the board of directors; *provided, however,* that when the district acquires, constructs, owns or operates two or more public utilities, a general manager may be appointed and employed, as hereinabove provided, for each such public utility.

County treasurer to perform duties as treasurer.

SEC. 24. The board of directors of the public utility district shall, by ordinance, so determine, such duties shall be to elect that the duties of treasurer of the district shall be performed by the county treasurer of the county in which the district, or the greater portion thereof in point of population, is situated; and whenever the board of directors of such district shall, by ordinance, so determine, such duties shall be performed by said county treasurer. A certified copy of such ordinance shall be served on said county treasurer, and such ordinance shall also prescribe the manner in which money shall be drawn out of the various funds belonging to such district in the hands of the treasurer.

Time of appointing officers.

SEC. 25. At the time hereinabove provided for the first meeting of the board of directors of the district, and after said board of directors shall have qualified and organized as hereinabove provided, it shall appoint such clerk, accountant, general manager and treasurer, or shall, in lieu of appointing such treasurer, pass the ordinance hereinabove provided for.

President and meetings.

SEC. 26. The board of directors shall choose one of its members president, and shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings.

Ordinances.

SEC. 27. The board of directors shall act only by ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board of directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be in these words:

“Be it enacted by the board of directors of ----- public utility district:”

All resolutions and ordinances shall be signed by the president of the board of directors and attested by the secretary.

In effect when.

No ordinance passed by the board shall take effect within less than thirty days after its passage, and at least one week before the expiration of said thirty days copies of the same shall be posted by the clerk at three public places in said district, and if there be a newspaper of general circulation printed

and published in said district then said ordinance shall be published at least twice in some such newspaper so published in said district. An order entered in the minutes of the board that such ordinance has been duly posted and published shall be prima facie proof of such posting and publication.

Each member of the board of directors shall receive such compensation as the board of directors by ordinance shall provide, not to exceed, however, the sum of three thousand six hundred dollars per year. Compensation of directors.

SEC. 28. The president shall sign all contracts on behalf of the district, and perform such other duties as may be imposed by the board of directors. The clerk shall countersign all contracts on behalf of the district, and perform such other duties as may be imposed upon him by the board of directors or by the provisions of this act. He shall give his full time during office hours to the affairs of the district, and shall ex officio act as the secretary of the board of directors and shall keep a record of its proceedings. The general manager shall, subject to such restrictions as the board of directors may impose, have full charge and control of the construction of the works of the public utility district and of their maintenance and operation. The general manager shall perform such other duties as may be imposed upon him by the provisions of this act or by the board of directors. He shall report to the board of directors in accordance with such rules and regulations as they may adopt. The accountant shall be charged with the duty of installing and maintaining a system of auditing and accounting which shall completely and at all times show the financial condition of the district. He shall draw all warrants to pay demands made against the district when such demands have been first approved by a majority of the board of directors present at the meeting at which such demands are acted upon, and shall perform such other duties as may be imposed upon him by this act or by the board of directors. Duties of officers.

The board of directors, at their first meeting in January of each year, shall render and immediately cause to be published a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and the purpose of such disbursements. Said publication shall be made at least once a week for two weeks in some newspaper of general circulation printed and published in the district, or, if there be no such newspaper in the district, then within some newspaper of general circulation printed and published in the county where such district is situated. Statement of financial condition.

SEC. 29. The directors of the district, immediately after receiving their certificates of election, and before assuming the duties of their office, shall take and subscribe an official oath and file the same in the office of the board of directors and execute the bond hereinafter provided for. Each member of the board of directors shall execute an official bond in the sum of Oath and bond of directors.

three thousand dollars, which said bond shall be approved by a judge of the superior court of the county where the organization of the district was effected, and shall be recorded in the office of the county recorder of such county and filed with the secretary of said board. All official oaths and bonds herein provided for shall be in the form provided by law for official oaths and bonds of county officers.

Powers of district.

SEC. 30. Any public utility district incorporated as herein provided shall have power:

First—To have perpetual succession.

Second—To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Third—To adopt a seal and alter it at pleasure.

Fourth—To take by grant, purchase, gift, devise, or lease, or otherwise acquire, and to hold and enjoy, and to lease or dispose of, real and personal property of every kind within or without the district, necessary to the full or convenient exercise of its powers.

Fifth—To acquire, construct, own, operate, control or use, within or without, or partly within and partly without, the district, works for supplying the inhabitants of said district with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposition of garbage, sewage, or refuse matter; and to do all things necessary or convenient to the full exercise of the powers herein granted. Whenever there is a surplus of water, light, heat, or power above that which may be required by such inhabitants or municipalities within the district, such district shall have power to sell or otherwise dispose of such surplus outside of the district to persons, firms, and public or private corporations.

Sixth—To have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. To take any property necessary or convenient to the exercise of the powers herein granted, whether such property be already devoted to the same use or otherwise. In the proceedings relative to the exercise of such right the district shall have the same rights, powers and privileges as a municipal corporation.

Seventh—To construct works across or along any street or public highway, or over any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to municipalities within the state, and to construct its works across any stream of water or water course. The district shall restore any such street or highway to its former state as near as may be, and shall not use the same in a manner to unnecessarily impair its usefulness.

Eighth—To borrow money and incur indebtedness, and to issue bonds or other evidences of such indebtedness; also to

refund or retire any indebtedness that may exist against the district; *provided, however*, that no district shall incur any funded indebtedness which shall in the aggregate exceed twenty per centum of the assessed valuation of all real and personal property situated within the district.

Ninth—To levy and collect, or cause to be levied and collected, taxes for the purpose of carrying on the operations and paying the obligations of the district.

Tenth—To make contracts, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers herein in this act granted.

Eleventh—To proceed in the name of the district in case of condemnation proceedings.

SEC. 31. (1) Whenever the board of directors by ordinance, Acquisition of utility. as hereinafter provided, shall determine that the public interest or necessity of the district demands the acquisition, construction, or completion of any public utility or utilities by the district, or whenever the electors of the district shall petition the board of directors, as hereinafter provided, for the acquisition, construction, or completion of any public utility or utilities, the board of directors must procure plans and estimates of the cost of original construction and completion by the district of such public utility or utilities.

(2) In securing estimates of the cost of original construction and completion of water works by the district, Estimates. the board of directors must procure and place on file plans and estimates of the cost of obtaining, from such sources as the board of directors may find and designate as available, a sufficient supply of good, pure water for the district.

(3) Before submitting propositions to the electors for the acquisition by original construction or condemnation of public utilities, the board of directors must solicit and consider offers for the sale to the district of existing utilities, in order that the electors may have the benefit of acquiring the same at the lowest possible cost thereof. In case no such offer or offers can be procured, the board of directors must, or, in case such offer or offers are procured the board of directors may, apply to the railroad commission of the State of California to ascertain the value of such existing utility or utilities for the purpose of submitting to the electors estimates of the cost of acquiring such public utility or utilities. Such valuation by the railroad commission shall be made in accordance with the provisions of section forty-seven of the public utilities act of the State of California, and said railroad commission shall have power upon such application, and it shall be its duty, to make such valuation without delay. When the railroad commission shall have made and filed its findings and decision, the board of directors of the public utility district may have said findings reviewed, as in sections forty-seven and seventy of said public utilities act provided; or such board of directors may immediately adopt such findings and decision Offers for sale of existing utilities.

as the basis of its estimate of the cost of acquiring such public utility or utilities by purchase or by condemnation.

Petitions for acquisition of utility.

(4.) Whenever any petition or petitions, each signed by electors of the district equal in number to fifteen per centum of all the votes cast within the territory of the district at the last preceding general election held for the election of state and county officers, shall be presented to the board of directors asking for the construction, completion or acquisition of the public utility or utilities therein named, it shall be the duty of the clerk of the district to immediately proceed to examine and verify the signatures to such petition or petitions and to certify the result of such examination to the board of directors. If the required number of signatures be found to be genuine, the clerk shall transmit to the president of the board of directors an authentic copy of such petition or petitions, without the signatures thereto.

Submission of proposition.

Upon receiving the petition or petitions, with the certificate of the clerk stating that it or they contain the required number of signatures, the board of directors shall formulate for submission to the electors of the district at a general district election or at a special election called for that purpose, a separate proposition for the construction, completion, or acquisition of each public utility named in such petition or petitions.

All propositions formulated under the provisions of this subdivision shall be completed within six months after the filing of such petition or petitions, unless more time is required by reason of the making of a valuation applied for to the railroad commission under the provisions of subdivision three of this section, in which case the said proposition or propositions shall be completed as soon as may be possible after such valuation shall have been made and become final.

Election.

At the next regular meeting after the completion of the proposition or propositions for the acquisition, construction or completion of the public utility or utilities named in said petitions, the board of directors of the district by ordinance shall submit the proposition or propositions to the electors of the district at a general district election or at a special district election called for the purpose.

Cost to be specified.

When the cost of any public utility or utilities named in such petition or petitions can be paid out of the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, each proposition therefor, submitted to the electors, shall specify the cost of the public utility therein proposed for acquisition, construction, or completion by the district, the proposed method and manner of payment thereof, and the board of directors shall submit therein to the electors the question whether the same shall be acquired upon such terms. The affirmative vote of a majority of the electors voting at such election shall be necessary to accept such proposition.

At as early a date after the determination of the result of such election as the board of directors shall deem for the

best interests of the district, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition, construction, or completion of any public utility or utilities named in any proposition or propositions accepted by the majority of the electors voting at such election.

If, however, the cost of any public utility or utilities named in such petition or petitions shall so far exceed the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, as to render it necessary to incur a district bonded indebtedness therefor, each such proposition shall specify the amount of the bonded indebtedness necessary therefor, and the rate of interest thereon, and the board of directors shall submit to the electors, at such election, the question of whether such bonded indebtedness shall be incurred. The assent of at least two-thirds of the electors voting at such election upon the proposition shall be necessary to secure the construction, completion, or acquisition of such public utility or utilities and to warrant the issuance of district bonds therefor.

(5) Whenever the board of directors shall determine that the public interest or necessity of the district demands the acquisition, construction or completion of any public utility or utilities, it shall specifically declare such determination by an ordinance, which shall be published for at least two weeks in some newspaper or newspapers of general circulation printed and published in the district.

When the cost of such public utility or utilities, or any of them, can be paid out of the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, the board of directors shall, as soon after the filing of the plans and estimates of the cost thereof as it may deem for the best interests of the district, enter into such negotiations and contracts as may be necessary for the acquisition, construction or completion of the same; *provided, however*, that in such case the ordinance declaring the determination of the board of directors to acquire, construct or complete such utility or utilities, and published as hereinabove provided, shall state the proposed cost of such acquisition, construction or completion, and the proposed method and manner of payment therefor; *and provided, further*, that no such ordinance, in case it involves the expenditure of more than one hundred thousand dollars, shall become effective before thirty days from and after its final passage.

If, however, the cost of such public utilities, or any of them, shall so far exceed the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, as to render it necessary to incur a district bonded indebtedness therefor, the board of directors shall, at a regular meeting held within sixty days after the filing of the plans and estimates of cost thereof, by ordinance, as hereinafter in subdivision six of this section provided, submit the

proposition or propositions to the electors of the district at a general district election or at a special district election called for the purpose. Such propositions shall specify the amount of bonded indebtedness necessary for the acquisition, construction or completion of the public utility or utilities therein named, and the rate of interest thereon, and the board of directors shall submit to the electors the question or questions whether such bonded indebtedness shall be incurred. The affirmative vote of at least two-thirds of the electors voting at such election upon the proposition or propositions shall be necessary to warrant the issuance of district bonds for the acquisition, construction, or completion of such public utilities, or any of them.

Two-thirds
vote.

Special
election.

(6) Whenever under the provisions of section thirty-six of this act, of which this subdivision is a part, a special election is called for the purpose of submitting to the electors a proposition or propositions for the incurring of a bonded indebtedness, the board of directors shall pass an ordinance calling such election.

At such special election all propositions formulated under the provisions of this section may be submitted to the electors of the district, but no question other than such propositions shall be submitted at such special election.

The ordinance calling such election shall set forth the purposes for which it is called, the estimated cost of each utility proposed for acquisition, construction or completion by the district, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held, the manner of holding such election, and the manner of voting for or against each proposition thereat submitted to the electors; and if it shall be necessary to incur a district indebtedness for any utility or utilities therein proposed, the ordinance shall specify the objects and purposes for which such indebtedness is proposed to be incurred, and that bonds of the district shall issue for the payment of the cost of such utility or utilities, as in said ordinance set forth (if the proposition or propositions therefor be accepted by the electors). Such election shall be held as provided for holding elections in the district.

Form
of
bonds.

SEC. 32. The bonds issued by the district under the provisions of this act shall be of such form as the board of directors in the ordinance calling the election therefor shall determine; but such bonds shall be payable, principal and interest, in gold coin of the United States. The interest on such bonds shall not exceed six per cent per annum, and they shall be redeemed at such times and in such amounts as the board of directors shall determine, as set forth in the ordinance calling the election therefor; *provided*, that redemption of such bonds shall begin in not more than fifteen years and shall be completed in not more than seventy-five years from the date of issue.

The bonds so issued shall be issued in denominations of not less than one hundred dollars and not more than one thousand dollars, and may be sold by the board of directors at such times and in such manner as they shall determine, but shall not be sold at less than par and accrued interest. Any such bonds shall have the same force, value, and use as bonds issued by a municipality of this state.

The proceeds from the sale of bonds shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished; after which, if any surplus remains, such surplus may be transferred to the general fund; except that if such surplus exceeds the sum of five thousand dollars, then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay interest and maintain the sinking fund, or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.

SEC. 33. Such bonds shall be signed by the president of the board of directors of the district, and shall be countersigned by the clerk, and shall have the seal of the district attached. The coupons shall be numbered consecutively and signed by the treasurer, by original or fac-simile signature, and the bonds and coupons shall be payable at the office of the treasurer. In case any officer whose signature, or counter-signature, or attestation appears on any bonds or coupons thereof, issued under the provisions of this act, shall cease to be such officer before the sale or delivery of such bonds to the purchaser thereof, such signature, counter-signature or attestation appearing either on the bonds or the coupons, or on both, shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the sale or delivery of such bonds.

SEC. 34. The board of directors shall annually levy and collect a tax sufficient to pay the annual interest on such bonds, and also to pay such part of the principal as will fall due within the succeeding year, and as may be necessary to provide for the sinking fund payments of the next succeeding fiscal year; *provided*, that when the interest and sinking fund payments for any fiscal year on the bonds issued for any public utility can be met out of the surplus earnings of such public utility, or out of moneys in the general fund of the district and theretofore appropriated and transferred to the sinking fund of such public utility, no tax shall be levied for such purpose.

SEC. 35. A neglect or refusal of the board of directors to comply with the provisions of sections thirty-six, thirty-seven, thirty-eight and thirty-nine of this act shall constitute cause for removal from office of any member or members of the board guilty of such conduct or refusal.

Payment of
receipts.

SEC. 36. The receipts from the operation of any public utility shall be paid daily into the treasury of the district in a special fund set aside for such public utility. The board of directors may from time to time make appropriations from such funds for the following purposes:

1. For the payment of operating expenses of such public utility and for general salary and expense fund;
2. For repairs and reconstruction;
3. For payment of interest and sinking fund on the bonds issued for the acquisition, construction, or completion of such public utility;
4. For extensions and improvements;
5. For a reserve fund;
6. Whenever the reserve fund shall exceed one-half of the payment for operating expenses in the preceding fiscal year, the board of directors shall have power to appropriate such excess to the general fund.

Accounts.

SEC. 37. The books of account of the district shall be kept in such manner as to show the true and complete financial results of the ownership and operation of each public utility, the actual cost of each public utility, all costs of maintenance, extension and improvement, and all operating expenses of every description. The accounts of the district shall be examined at least once a year by an expert accountant, who shall report to the directors the result of his examination, and who shall be employed and selected in such manner as the directors may direct, and who shall receive for his services such compensation, to be paid out of the income or revenues of the district, as the directors may prescribe.

Expert
examina-
tions.

Every two years the directors of the district shall employ, at an expense of not to exceed the sum of twenty-five hundred dollars at any one time, to be paid out of the income and revenues of the district, as the board of directors may prescribe, an expert who shall be qualified to, and who shall with all due diligence, examine and report upon the system of accounts kept by the district; all the contracts of whatsoever kind made and entered into by the board of directors within the two years immediately preceding; the management of the utilities of the district, the operation of the same, the service furnished, and the rates charged by the district; the properties and investments of the district; all official acts of the board of directors relating to acquisition, construction, completion, extension, improvement, and betterment of the public utility or utilities of the district; the efficiency and adequacy of each public utility, and of the property used in connection therewith or with the operation thereof, the reasonableness of the service and commodities furnished, and of the rates and charges therefor; and generally all the business and affairs of the district relating to the ownership, management and operation of each public utility of the district. Said expert shall in his report make such recommendations and suggestions as to him shall seem proper and required for the good of the district, and the efficient and

economical or advantageous management and operation of the public utility or utilities of the district, and of the business and affairs of the district relating to such management and operation; and he shall in his said report make such recommendations and suggestions as to the system of accounts kept, or in his judgment to be kept, by the district, in connection with each public utility, the classification of the public utilities of the district and the establishment of a system of accounts for each class, the manner in which such accounts shall be kept, the forms of accounts, records, and memoranda kept or to be kept, including accounts, records, and memoranda of receipts and expenditures of money, and depreciation and sinking fund accounts, as in his judgment may be proper and necessary.

Said expert shall be selected by the railroad commission of the State of California, and his selection shall be by said commission certified to the board of directors of the district, together with the name and address of the expert so selected, and several such experts may be so selected and certified. The board of directors of the district shall at least four months before the time of each biennial district election in writing request said railroad commission to make such selection and certification, and said railroad commission shall make and transmit the same to the board of directors making such request within two weeks after the receipt of such request by said railroad commission. Within ten days after the receipt of such selection and certification the board of directors of the district shall by resolution entered on its minutes employ the expert, or one of the experts, so selected and certified, fix the amount of his compensation either absolutely or on a per diem basis, and notify said expert of such appointment. The expert so employed shall enter upon the discharge of his duties at least ninety days before the date of the biennial district election, and shall complete his examination and file his report at least thirty days before the date of the biennial district election, then next impending. Said report shall be made to the electors of the district, in duplicate, one of said duplicates to be filed with the board of directors of the district, in the office of the clerk of the district, and one of said duplicates shall be filed in the office of the county recorder of the county wherein the district, or the greater portion thereof in point of population, is situated. Such county recorder shall file, index and keep said report as a public record in his office, and shall make no charge for such filing.

SEC. 38. Only revenue producing utilities shall be acquired, owned or operated by a district formed under the provisions of this act. So far as possible the board of directors shall fix such charges for commodities or service furnished by any revenue producing utility, as will pay the expenses of the government of the district, including salaries, office expenses, and other necessary disbursements; the operating expenses of the utility; the interest on any bonded indebtedness incurred for the acquisition, construction and completion thereof; and

Only
revenue
producing
utilities
to be
acquired.

provide a sinking or other appropriate fund for the payment of the principal of such debt as it may become due, and also provide an appropriate fund for repairs, replacements and betterments; it being the intention of this section that the district pay all of such charges and expenditures, and the interest and principal of its bonded debt, from the revenues derived by the district from the operation of its public utilities, and that each public utility owned and operated by the district shall be self-sustaining.

Levy of tax
if revenues
insufficient
to pay
principal
or interest

SEC. 39. (1) If from any cause the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt as it becomes due, the board of directors must, or if funds are needed to carry out the objects and purposes of the district, which can not be provided for out of the revenues of the district, then the board of directors may, levy a tax for such purposes as herein provided. The board shall state the purposes for which such taxes are necessary, and must fix, by ordinance, the amount of money necessary to be so raised by taxation. If the amount to be raised at any one time by taxation for a purpose other than interest or sinking fund payments exceeds the sum of fifty thousand dollars, such ordinance shall not go into effect before thirty days from its final passage.

Assessments.

(2) The board of directors may by ordinance provide the mode and manner of assessing, and of correcting and equalizing assessments upon, the taxable property situated within the district, for the purpose of levying district taxes, and of levying and collecting such taxes, and may provide for the collection of delinquent taxes by actions or legal proceedings which are hereby authorized to be brought, prosecuted and maintained in the name of the district against the several owners of property from whom such taxes may be due and delinquent, for the purpose of recovering the amount of the delinquent tax, with penalties, interest, and costs; *provided*, that the provisions of such ordinance shall be conformable to general law.

Use of
county
assessments.

(3) The board of directors may elect to avail itself of the assessment or assessments made by the assessor or assessors of the county or counties in which the district is situated, and may take such assessment or assessments as the basis for district taxation; *provided*, that the board of directors shall declare its said election by ordinance and file a certified copy of the same with the auditor or auditors of the county or counties in which the district is situated, on or before the first Monday in February of each year. Thereafter all assessments shall be made and taxes collected by the county assessor and tax collector, or county assessors or tax collectors, of the county or counties in which the district is situated until the board of directors of the district by ordinance elect otherwise. The said county auditor or auditors thereupon must, on or before the second Monday in August of each year, transmit to the board of directors of the district a statement in writing

showing the total value of all property within the district, which value shall be ascertained from the assessment book of the said county or counties for that year as equalized and corrected by the board or boards of supervisors of such county or counties. In case the board of directors shall so elect, as hereinabove provided, it shall, on the first week day in September, or if such week day falls upon a holiday then on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property as assessed by the county assessor or assessors and so returned to such board of directors by the county auditor or auditors, as hereinabove provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board, as hereinabove prescribed; which acts by said board of directors are declared to be a valid assessment of such property and a valid levy of such taxes so fixed. The board of directors must immediately thereafter transmit to the county auditor or auditors of the county or counties in which the district is situated a statement of such rate so fixed by the board of directors.

The said auditor or auditors must then compute and enter in a separate column in the assessment book or assessment books, to be headed "Utility district tax, ----- public utility district (naming it)," the respective sums in dollars and cents or dollars or cents to be paid as a district tax on the property therein enumerated and assessed as being in the public utility district, using the rate of levy so fixed by the board of directors of the district, and the assessed value as found in such assessment book or assessment books. Such taxes so levied shall be collected at the same time and in the same manner as county taxes; and when collected the net amount, as ascertained as hereinafter provided, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes.

Each county auditor and tax collector affected by the provisions of this act shall annually file with the board of supervisors of his county itemized statements showing the additional expense to his office caused by the performance of the duties imposed upon him or his office under the provisions of this act, and upon the filing of such statements the board of supervisors shall, by an order spread upon its minutes, deduct such expenses from the tax money of the district, while in the hands of the tax collector, and transfer the amount deducted into the county salary fund; *provided*, that not more than one-half of one per centum on the amount collected shall be so charged or deducted by any county. The board or boards of supervisors of such county or counties may provide such extra help for their county offices or officers as in their judgment may be necessary for the proper performance of their duties hereunder.

Statement
of expenses
of county
officers.

Whenever any real property situate in any public utility district formed under the provisions of this act, which district

has availed itself of the provisions of this subdivision of this section, has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned and paid by the county treasurer or treasurers receiving the same to such public utility district, in the proportion which the tax due to such district bears to the total tax for which such property was sold.

Taxes a
lien on
property.

(4) All taxes levied under the provisions of this act shall be a lien on the property on which they are levied; and the enforcement of the collection of such taxes may be had in the same manner and by the same means as is provided by law for the enforcement of liens for state and county taxes, all the provisions of law relating to the enforcement of the latter being hereby made a part of this act, so far as applicable; *provided*, that where a public utility district has not availed itself of the provisions of subdivision (3) of this section, the delinquent property sold by the tax collector of the district for delinquent taxes shall be struck off by him to the district and shall thereafter be redeemed or disposed of as is provided by law in the case of delinquent property sold to the state for delinquent state and county taxes.

Classified
civil
service.

SEC. 40. (1) The board of directors shall classify all the places of employment in or under the district, and in or under all the offices and departments of the district, with reference to the examinations hereinafter provided for, excepting the places and offices specified in subdivision four hereof. The places so classified by the board of directors shall constitute the classified civil service of the district, and no appointment to any such place shall be made except according to the rules hereinafter mentioned.

(2) The board of directors shall make rules to carry out the purposes of this section, and for examinations, appointments, promotions, and removals, and may from time to time make changes in existing rules. All rules and all changes therein shall be forthwith printed for distribution by the board of directors.

(3) The examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include, when appropriate, tests of manual or professional skill. The selection of laborers shall be governed by priority of application as far as may be practicable. No question in any examination shall relate to political or religious opinions or affiliations. The board of directors shall control all examinations.

(4) The manager, the engineer, the clerk, accountant, and the treasurer of the district shall not be included within the classified civil service of the district.

Bids for
furnishing
supplies.

SEC. 41. Except as otherwise provided in this act, the board of directors shall annually advertise, for at least five days in a newspaper of general circulation in the county in which the

greater portion of such utility district is situated, for sealed bids for furnishing the district with goods, merchandise, stores, subsistence, printing, materials, and all other supplies, and advertising. Bids for furnishing supplies.

All bids shall be upon a schedule showing all articles needed by the district and the several offices thereof, prepared by the clerk of the district, and shall state separately the price of each article to be furnished, and any person may bid upon any article separately.

Except as otherwise provided by this act, the board of directors shall determine annually what goods, merchandise, stores, subsistence, materials and other supplies will be needed by the district for the ensuing year.

In considering such bids the board of directors may accept or reject all or any of them, or may accept or reject a part of any such bid, preference being given, however, to the lowest responsible bidder. All supplies furnished the district, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the board. The award as to each article shall in all cases be made to the lowest bidder for such article.

All bids shall be opened by the board at an hour and place to be stated in the advertisements for proposals, in the presence of all bidders who attend, and the bidders may inspect the bids. All contracts shall be made with the lowest responsible bidder, who shall give bonds with sufficient sureties for the faithful performance of his contract.

Notices of proposals for furnishing the aforesaid articles shall mention said articles in general, and shall state that the conditions and schedule may be found in the office of the clerk of the district, and shall also state that such articles are to be delivered at such times, in such quantities, and in such manner as the board of directors may designate.

All proposals shall be accompanied with a certificate of deposit, or certified check on a solvent bank within the district, or county wherein the district is located, of ten per centum of the amount of the bid, payable at sight to the order of the clerk of the district. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury of the district; and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to such defaulting bidder.

The clerk shall furnish printed blanks for all such proposals, contracts and bonds.

Advertising shall not be classified, and shall be construed to mean the advertising and publication of all official reports, orders, ordinances, resolutions, notices inviting proposals, and all notices of every nature relating to work or business of the district. No part or kind of such advertising shall be charged

or contracted for at a higher rate than any other part or kind of the same is charged or contracted for; except in the case of the delinquent tax list. The advertising of the delinquent tax list shall be let to the lowest responsible bidder on a separate bidding from all other advertising. A square of advertising shall be two hundred thirty-four ems nonpareil.

No officer or employee of the district shall order any article or shall make any publication which is not expressly authorized by this act or by the board of directors.

Unless the amount involved in the purchase at any one time of any articles, for which no contract has been entered into as hereinabove provided, exceeds the sum of five hundred dollars, the board of directors may purchase such article or articles without the necessity of advertising or letting contracts therefor; but where the cost of any article or articles, for which no contract has been entered into as hereinabove provided, exceeds the sum of five hundred dollars, the board of directors shall advertise for at least five days in a newspaper of general circulation in the district for sealed bids for furnishing the district such article or articles, and shall in the matter of opening and accepting such bids and the letting of contracts for the furnishing of such article or articles in all respects proceed in the manner and form in this section hereinabove provided in the case of contracts for annual supplies.

Bids for
construction
work.

SEC. 42. Where the cost of any construction, replacement, improvement, alteration, extension, or other proposed work of the district exceeds the sum of one thousand dollars, the board of directors must adopt plans and specifications, strain-sheets, and working details, as may be proper, and must advertise for bids for such work in accordance with the plans and specifications so adopted. All bidders shall be afforded an opportunity to examine such plans and specifications and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by the board of directors, for the faithful performance of the contract; *provided*, that in cases of great emergency, by the consent of at least two-thirds of the board of directors, they may proceed at once to do or cause to be done all repair or replacement work necessary to meet such emergency without notice; *and provided, further*, that nothing herein contained shall be deemed to prohibit the board of directors from doing or causing to be done directly by the district, and without any contract therefor, any or all work necessary or proper in or about the making of all current and ordinary repairs or in or about current and ordinary upkeep or maintenance.

No plans and specifications when once adopted shall be altered or changed in any manner whereby the cost of the

proposed work shall be increased, except by a vote of two-thirds of the board of directors.

Whenever the board of directors shall enter into a contract for any such work, such contract shall not be altered or changed in any manner, unless they shall, by a vote of two-thirds of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the board and the contractor. In no case shall the board pay or become liable to pay for any extra work done or extra material furnished.

SEC. 43. No claim shall be paid until allowed by the board, and only upon a warrant signed by the president and countersigned by the clerk. Payment of claims.

SEC. 44. The cost and expense of purchasing and acquiring property and works, and of constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund.

The maximum time of labor or service required of any laborer, workman, or mechanic employed upon any work of the district, whether so employed directly by the district and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day, except in case of emergency. Eight hour day.

The board of directors shall fix the hours of labor or service required of all employees of the district, and their compensation, and shall employ all necessary employees or may by ordinance provide for their employment by the several officers of the district. The board of directors may from time to time contract for or employ any professional services required by the district, or by the board, or any officer of the district.

SEC. 45. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void. Void debts.

SEC. 46. All expenditures of money for the benefit of the district on any account or for any purpose, all contracts of every kind, and all tax levies for a purpose other than interest or sinking fund payments shall be first authorized by the board of directors, by ordinance, in every case when any such expenditure, or the amount involved in any such contract, exceeds the sum or amount of one hundred thousand dollars, or the amount proposed to be raised by such tax levy exceeds the sum or amount of fifty thousand dollars, and no such ordinance shall go into effect before thirty days from its final passage. During said thirty days a petition signed by qualified voters of the district equal to ten per centum of the entire vote cast within such district for all candidates for governor of the state at the last preceding general election at which a Expenditures to be authorized by board.
Referendum on ordinances.

governor was voted for, and protesting against the passage of such ordinance, may be presented to the board of directors. Immediately upon the receipt of such petition the board of directors shall cause the clerk of the district to examine and verify the signatures to such petition, and to certify the result of such examination to the board of directors within ten days. If the petition is found to be insufficient, the clerk shall certify to the number of qualified electors required to make such petition sufficient in addition to the signatures already thereon and verified or found genuine by him, and said petition may then be amended by filing a supplemental petition within ten days from the date of such certificate. The clerk shall within ten days after the filing of such supplemental petition make a like examination of the same and certify to the result of such examination, as herein provided. Said ordinance shall remain suspended from going into operation until the completion of such examination and verification of said petition or supplemental petition, and the certification of the result of such examination; and in case said petition, or petition as amended, is shown to be sufficient by such certificate said ordinance shall be suspended from going into effect or operation and it shall be the duty of the board of directors to reconsider such ordinance. If said board of directors shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a general district election or at a special district election to be called for the purpose, and such ordinance shall not go into effect or become operative unless a majority of the voters voting upon the same shall vote in favor thereof. Such petitions, in the matter of form, signatures, and preparation thereof, and the proceedings based thereon, in the matter of holding or calling and conducting said election, the manner of voting thereat, canvassing the return and declaring the result, shall conform as nearly as may be practicable, and except as herein otherwise expressly provided, to the provisions of the general law of the state governing and relating to direct legislation or the referendum by incorporated cities and towns, which are hereby made applicable hereto as far as may be practicable.

Officers not
to be
interested
in contract.

SEC. 47. No director or any other officer of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Action to
validate
bonds.

SEC. 48. The board of directors may at any time within sixty days from the date of the election authorizing the issuance of any bonds cause to be brought in the name of the district an action in the superior court of the county in which said district or the greater portion thereof is located, to deter-

mine the validity of any such bonds. Such action shall be in the nature of a proceeding *in rem*, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds. Such action shall be speedily tried and judgment rendered declaring such bonds to be valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. After the expiration of ninety days from the date of such election no action may be brought by any person to contest or question the validity of said bonds and proceedings thereto. If there be more than one action or proceeding involving the validity of any such bonds, they shall be consolidated and tried together. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any proceeding or action herein provided for may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

SEC. 49. Every incumbent of an elective office of a public utility district formed hereunder is subject to recall by the voters of such public utility district, in accordance with the recall provisions of the general laws of the state with reference to county officers. Recall of officers.

SEC. 50. The legal title to all property acquired under the provisions of this act shall immediately, and by operation of law, be vested in such public utility district, and shall be held by such district in trust, and is hereby dedicated and set apart to the uses and purposes set forth in this act. Title to property.

SEC. 51. No suit shall be brought against the district on any claim for money or damages until a claim or demand therefor, setting forth with reasonable certainty the nature and various items of the claim or demand and verified by the claimant, or his authorized agent, has been presented to the directors and rejected in whole or in part. In case the board Claims against district.

of directors shall fail or refuse to allow or reject such claim, either wholly or in part, for a period of six months after its presentation, such failure or refusal shall upon the expiration of such period be deemed a rejection of the claim. All claims against the district must be presented to the board of directors and filed with the clerk of the district within one year after the debt, or the last item thereof, for which the claim is made, shall have been incurred, or within one year after the occurrence from which the damages are claimed to have arisen. Otherwise there shall be no recovery on any such claim.

Effect of
act.

SEC. 52. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to public utility districts, except in so far as any of the provisions of such act may be inconsistent with any of the provisions of this act.

Constitu-
tionality.

SEC. 53. If any section, sub-section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. The legislature hereby declares that it would have passed this act, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Definitions.

SEC. 54. The word "district" shall apply, unless otherwise expressed or used, to a public utility district formed under the provisions of this act. And the word "board" and the words "board of directors" shall apply to board of directors of such district.

CHAPTER 561.

An act to amend section eleven of an act entitled, "An act providing for a county engineer for each county in this state, providing for his appointment, manner of removal, qualifications, compensation and duties; transferring to such engineer certain powers, functions and duties heretofore vested in and performed by county surveyors and members of the board of supervisors; also authorizing the board of supervisors for each county to purchase and obtain all necessary equipment, materials and instrumentalities to carry out the objects of this act; to provide said county engineer with an office and necessary assistants; to provide for abolishing the office of county surveyor and for the fixing and levying of taxes for road purposes," approved May 27, 1919.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p. 1294,
amended.

SECTION 1. Section eleven of an act entitled, "An act providing for a county engineer for each county in this state, providing for his appointment, manner of removal, qualifica-

tions, compensation and duties; transferring to such engineer certain powers, functions and duties heretofore vested in and performed by county surveyors and members of the board of supervisors; also authorizing the board of supervisors for each county to purchase and obtain all necessary equipment, materials and instrumentalities to carry out the objects of this act; to provide said county engineer with an office and necessary assistants; to provide for abolishing the office of county surveyor and for the fixing and levying of taxes for road purposes," approved May 27, 1919, is hereby amended to read as follows:

Sec. 11. The office of county surveyor of any county shall be and is hereby abolished upon the occurrence of any of the following conditions:

County
surveyor
repealed
by county
engineer.

(a) Upon the appointment as county engineer of the person who holds the office of county surveyor at the time such appointment is made and the acceptance of such appointment by the county surveyor; or

(b) In other cases, upon the expiration of the term of the person who holds the office of county surveyor at the time the appointment of county engineer is made; *provided*, that if such appointment is made within six months of the expiration of the then current term of county surveyor, the office of surveyor in such county shall be and is hereby abolished upon the expiration of the next succeeding term; *provided, however*, that upon petition therefor signed by qualified electors of the county equaling in number not less than twenty-five per cent of the total votes cast in the county for governor in the last preceding election at which a governor was elected, the board of supervisors in any county in this state which shall have adopted the provisions of this act and have appointed a county engineer in accordance therewith, shall discontinue such office of county engineer by ordinance declaring their intention so to do and in such ordinance the board shall provide that the person holding the office of county engineer at the time the ordinance becomes effective shall be and become the county surveyor of such county until the next ensuing general election at which time his successor shall be elected.

CHAPTER 562.

An act to add a new section to be known as nine a thirty to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a thirty and to read as follows:

Counties.
of 30th
class, salary
of
librarian.
Effect of
act.

Sec. 9a30. In counties of the thirtieth class the salary of the county librarian shall be two thousand dollars per annum.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 563.

An act appropriating money for repairs and improvements including a new well and equipment at the San Jose State Normal School.

[Approved May 24, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Appropriation:
repairs,
San Jose
State
Normal
School.

SECTION 1. The sum of twenty-six thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs and improvements including a new well and equipment at the San Jose State Normal School.

CHAPTER 564.

An act appropriating money for repairs, improvements and equipment for Sonoma State Home.

[Approved May 24, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred twenty-seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements and equipment for Sonoma State Home.

Appropriation:
repairs,
Sonoma
State Home.

CHAPTER 565.

An act appropriating money for the completion of buildings, improvements to grounds and the purchase of equipment at the Humboldt State Normal School.

[Approved May 24, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of thirty-three thousand two hundred dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the completion of buildings, improvements to grounds and the purchase of equipment at the Humboldt State Normal School.

Appropriation:
buildings,
etc.,
Humboldt
State
Normal
School.

The moneys herein appropriated shall be available for the payment of expenses incurred on and after the first day of February, 1921.

CHAPTER 566.

An act appropriating money for repairs, improvements, machinery and equipment for San Quentin State Prison.

[Approved May 24, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of eighty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repairs, improvements, machinery and equipment for San Quentin State Prison.

Appropriation:
repairs,
San
Quentin
State
Prison.

CHAPTER 567.

An act to authorize the payment of the claim of John Breuner Company, a corporation, against the State of California, and making an appropriation therefor.

[Approved May 25, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Appropriation:
claim of
John
Breuner Co.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of three hundred seventy-two dollars and ninety-one cents to pay the claim of John Breuner Company, a corporation, against the State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of said John Breuner Company, a corporation, for said sum of three hundred seventy-two dollars and ninety-one cents, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 568.

An act appropriating money to cover rental and other expense necessary toward the maintenance of offices for state departments in Sacramento and Los Angeles.

[Approved May 25, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Appropriation:
rental of
state
offices.

SECTION 1. The sum of two hundred fifty-three thousand five hundred sixty dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to cover rental and other expense necessary toward the maintenance of offices for state departments in Sacramento and Los Angeles.

CHAPTER 569.

An act to amend section twenty-five of an act entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of

the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section twenty-five of the act entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, is hereby amended to read as follows:

Sec. 25. The sanitary board shall have power, except in incorporated cities or towns, at any time after main sewers, or other sewers are laid, to order and contract for the construction of a sewer in any street, highway or upon property and rights of way owned by the sanitary district or part of any street, highway or property or rights of way owned by sanitary districts where a sewer is not already constructed, and to provide by such order that the cost thereof shall be borne by the property fronting along the line of the sewer, or to be borne by a district as ordered; *provided, however*, that the sanitary board may so order and contract for the construction of a main sewer and provided that the cost thereof shall be borne by the property fronting the line of the sewer, or be borne by a district as ordered, by unanimous vote of the board, if only a portion of the property in the sanitary district will be affected or benefited by the construction of such main sewer. The provisions of that certain act entitled, "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds" (approved April 7, 1911), and the amendatory acts thereto, is hereby made applicable to sanitary districts. All proceedings shall be had in accordance with the provisions of said act and the amendments thereto; *provided, however*, that the words "city council" and "council" used in said act shall be understood to mean sanitary boards. The words "city" and "municipality"

Stats. 1919,
p. 955,
amended

Construction
of sewers.

shall be understood to mean sanitary districts. The words "clerk" and "city clerk" shall be understood to mean "secretary" of the sanitary board. The words "superintendent of streets" and "street superintendent" and "city engineer" shall be understood to mean the engineer of such "sanitary district" and the terms "treasurer" and "city treasurer" shall be understood to mean any person or official who shall have charge of and make payment of the funds of such sanitary district. The term "right of way" shall mean any parcel of land through which a right of way has been granted to the sanitary district for the purpose of constructing and maintaining a sewer therein; *and provided, further*, that all the powers and duties conferred by the said provisions of said act and acts amendatory and supplementary thereto upon city councils, superintendents of streets, clerk and city clerks, and treasurers and engineers, are hereby conferred and imposed upon the respective officers and board above specified.

CHAPTER 570.

An act to amend section nineteen ll of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, and as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 1024,
amended.

SECTION 1. Section nineteen ll of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and

the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

1911. In each of the counties of the twentieth class there shall be one probation officer, whose salary shall be one hundred fifty dollars per month.

Counties of
20th class,
salary of
probation
officer.
Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 571.

An act to amend section nineteen f of the juvenile court law, approved June 5, 1915.

[Approved May 28, 1921. In effect July 20, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section nineteen f of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment of commitment where crimes have been committed by such persons, providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16,

Stats. 1915,
p. 1243,
amended.

1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Counties of
7th class,
salary of
probation
officer.

Sec. 19f. In counties of the seventh class there shall be one probation officer and three assistant probation officers. The salaries of such officers shall be as follows: Probation officer, one hundred ninety dollars per month; one assistant probation officer, one hundred sixty dollars per month; one assistant probation officer, one hundred thirty-five dollars per month.

CHAPTER 572.

An act to amend sections one thousand six hundred ten and one thousand six hundred ninety-six of the Political Code, relating to public schools.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand six hundred ten of the Political Code is hereby amended to read as follows:

1610. Boards of school trustees and city boards of education shall have power, and it shall be their duty:

Suspend
pupils.

First—To suspend or expel pupils for misconduct, when other means of correction have failed to bring proper conduct.

Exclude
children.

Second—To exclude from the schools children under six years of age, except as hereinafter provided; *provided*, that where the kindergarten is a part of the day elementary schools, children may be admitted to the kindergarten classes at four and one-half years of age; *and provided, further*, that where any district has established a school for the instruction of the deaf, such children may be admitted to the deaf school at three years of age. In the enforcement of the provisions of this section children shall be admitted to the beginning classes of any school during the first month of the school year, or when the school year is divided into school terms, during the first month of each term, and children who will be six years of age before the end of the six months of the school year, or before the end of the third month of the school term, shall be admitted at the beginning of the school year, or the school term, and children who will not be six years of age by the end of the period specified, shall not be admitted until the beginning of another school year or school term. Beginners shall in like manner be admitted to the beginning classes of the kindergarten during the first month of the school year, or of the school term, if the school year be divided into terms, if such children will be four and one-half years of age before the end of the sixth month of the school year and before the end of the third month of the school term, and children who will not be

four and one-half years of age within the period specified shall not be admitted to the kindergarten classes until the beginning of another school year or term.

Third—To cause the principal to keep a register, open to the inspection of the public, of all children applying for admission and entitled to be admitted into the public schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into the schools in the order in which they are registered. Register of children.

Fourth—To permit children from other districts to attend the schools of their district; *provided*, that should they refuse to grant such permission, the parents or guardians of such children may appeal to the county superintendent of schools and his decision shall be final and binding on both boards of trustees. Permit children from other districts to attend.

Fifth—To give diligent care to the health and physical development of pupils, and where sufficient funds are provided by district taxation, to employ properly certified persons for such work. Health and physical development.

Sixth—To provide, with the written approval of the superintendent of schools, for the transportation of pupils to and from school whenever in their judgment such transportation is advisable, and good reasons exist therefor, to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier, or to contract with and pay responsible private parties for such transportation; *provided*, that in order to secure such service at the lowest possible figure consistent with proper and satisfactory service, boards of education and boards of school trustees shall secure bids for the items of service contemplated in this subdivision; *and provided, further*, that no board shall make any purchase or enter into any contract for such service without securing the written approval of the county superintendent of schools. Provide transportation.

SEC. 2. Section one thousand six hundred ninety-six of the Political Code is hereby amended to read as follows:

1696. Every teacher in the public school must:

First—Before assuming charge of a school, file his or her certificate with the superintendent of schools; *provided*, that when any teacher so employed is the holder of a California state normal school diploma, accompanied by the certificate of the state board of education, as provided in subdivision third of section one thousand five hundred three of the Political Code (normal document), an educational or a life diploma of California, upon presentation thereof to the superintendent he shall record the name of said holder in a book provided for that purpose in his office, and the holder of said diploma shall thereupon be absolved from the provisions of this subdivision. Duties of teachers. File certificate.

Second—Before taking charge of a school, and one week before closing a term of school, notify the county superintendent of such fact, naming the day of opening or closing. Boards of education and boards of school trustees must in every case Notice of opening and closing of school.

give to the teacher a notice of at least two weeks of their intention to close the term of school under their charge. No superintendent shall draw any requisition for the last month's salary of any teacher until said teacher has filed with him the notice required by this subdivision.

Enforce
course of
study.

Third—Enforce the course of study, the use of the legally authorized textbooks, and the rules and regulations prescribed for schools.

Hold
pupils to
account
for
conduct.

Fourth—Hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess; suspend, for good cause, any pupil from the school, and report such suspension to the board of school trustees or city board of education for review. If such action is not sustained by them, the teacher may appeal to the county superintendent, whose decision shall be final.

Keep
register.

Fifth—Keep a state school register, in which shall be left, at the close of the term, a report showing programme of recitations, classification and grading of all pupils who have attended school at any time during the school year. The superintendent shall in no case draw a requisition in favor of the teacher until the teacher has filed with him a certificate from the clerk of the board of school trustees to the effect that the provisions of this subdivision have been complied with.

Make
annual
report.

Sixth—Make an annual report to the county superintendent at the time and in the manner and on the blanks prescribed by the superintendent of public instruction. Any teacher who shall end any school term before the close of the school year, shall make a report to the county superintendent immediately after the close of such term; and any teacher who may be teaching any school at the end of the school year shall, in his or her annual report, include all statistics for the entire school year, notwithstanding any previous report for a part of the year. The superintendent of schools shall in no case draw a requisition for the salary of any teacher for the last month of the school term, until the report required by this subdivision has been filed, and by him approved.

CHAPTER 573.

An act to amend section ten of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the state," approved March 11, 1897, as amended.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section ten of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state" approved March 11, 1897, as amended, is hereby amended so as to read as follows:

Sec. 10. All moneys received by the directors, or by any officer of the home (except such as may be paid to them by the state for disbursement), including pension and other moneys belonging to the members in the home, and other trust moneys, shall be immediately paid over to the treasurer of the home. On or before the tenth day of each and every month the treasurer of the home shall forward to the state treasurer all moneys in his possession, except pension and other moneys belonging to members, and other trust funds, the post fund, and the moneys hereinafter referred to as subject to their direct disbursement, and designated the "emergency fund," together with a statement of the source from which the same has been received. Said moneys shall be immediately deposited by the state treasurer to the credit of the fund hereinafter designated "fund for the support and maintenance of the Veterans' Home of California." Any balance of pension moneys held by the board, or by its authority, upon the death of the pensioner, undisposed of by will, or any moneys belonging to the members of the home, and deposited with the board, or with any of its officers, as hereinafter provided for, and undisposed of by will, shall, upon the death of the member, be held as a trust fund, to be paid by the board, or upon its order, directly and without probate, to the heirs at law, entitled thereto, and in the proportions to which they may be entitled; should none of the heirs at law be discovered, or should the heirs at law discov-

Stats. 1911,
p. 1117,
amended.

Moneys paid
to treasurer.

Moneys
forwarded
to state
treasurer.

ered within such time be not entitled to the whole thereof, the balance of moneys not so paid to the heirs at law, and undisposed of by will, shall be paid to the post fund of the home to be used for the common benefit of the members of the home, under the direction of the board, subject to future reclamation by the heirs at law entitled thereto upon application filed within five years after the death of such member, and upon proper proof. Subject to the above provisions as to the disposition thereof, the members of the home may voluntarily deposit any of their moneys with the board, or with the officer authorized to receive the same, and the board, or such officer, shall be obligated to receive such moneys, and shall keep the same without charge as a trust fund for the member depositing the same, to be withdrawn by him in whole, or in part, during his life, and at his pleasure, and the balance, if any, undisposed of by will, shall be subject to the above trusts, and retained by the board for the common benefit of the members of the home as above provided, if not paid to the heirs at law within the time and in the manner above provided. The moneys now in the hands of the board, or the treasurer of the home, belonging to the members thereof, and heretofore deposited for safekeeping, may be withdrawn, in whole or in part, at the will of the member during his life, and in case of any balance remaining upon his death, undisposed of by will, the same shall be subject to said trust, to be disposed of as hereinbefore provided. Nothing herein contained shall in any manner affect the moneys of the members now deceased, which moneys are now held in trust under the laws of this state, the rules, regulations and by-laws of the home. The personal effects of deceased members of the home shall be held for the heirs at law above mentioned for the period of one year from the date of the death of the member, and if not claimed within said time, shall be turned over to the commandant, or the officer in charge, who, on a day and hour fixed by him, and after posting notices of the same in three conspicuous places at the home, shall sell at public sale said personal effects, the proceeds of which sale shall go to the post fund, to be used for the common benefit of the members, as hereinbefore provided for pension and other moneys, and subject to future reclamation within a period of five years from the date of the death of the member, as hereinbefore mentioned. All interest which has accrued upon the date this act takes effect, or which shall accrue thereafter on moneys turned over to the treasurer and retained by him under this act, shall be accounted for by him and deposited to the credit of the post fund to be used for the common benefit of the members. The board of directors shall make proper rules and regulations to carry into effect the provisions of this section.

Members
may
deposit
money.

Personal
effects of
deceased
members.

CHAPTER 574.

An act to amend sections one thousand seven hundred seventy-one and one thousand seven hundred seventy-five of the Political Code, relating to the powers of county boards of education.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred seventy-one of the Political Code is hereby amended to read as follows 1771. County boards of education have power:

Powers of
county
boards of
education.

1. To adopt rules and regulations, not inconsistent with the laws of this state, for their own government.

2. To prescribe and enforce rules for the examination of teachers, to examine applicants for elementary school certificates and to establish a standard of proficiency which will entitle the person examined to a certificate.

3. To grant, in accordance with sections one thousand seven hundred seventy-two and one thousand seven hundred seventy-five of this code, the following certificates, renewable at the option of the board:

(a) High school certificates, authorizing the holders to teach in any secondary or elementary school in the county.

(b) Junior high school certificates, authorizing the holders thereof to teach in the junior high schools in the county.

(c) Elementary school certificates, authorizing the holders to teach in any elementary school of the county and in the first two years of any junior high school course in the county established as provided in this code, or to serve as a principal of a junior high school.

(d) Kindergarten-primary certificates, authorizing the holders to teach in any kindergarten class in the county and in such other grades as may be authorized by law; *provided*, that the holder of any kindergarten-primary certificate who shall present a credential from the state board of education vouching for his fitness may be granted an extension of his certificate authorizing him to teach in the first, second and third grades of the elementary schools.

(e) Special certificates, authorizing the holders to serve as a librarian or to teach in the schools of the county such branch or branches of learning and in such grades as are named in such certificates.

(f) Special certificates authorizing the holders to supervise health and development work in the public schools or to perform the duties of attendance officer may be issued.

4. To renew certificates granted in accordance with law; *provided*, that no certificate granted upon a credential issued by the state board of education for a limited period shall be renewed or extended unless the credential upon which such

Powers of
county
boards of
education.

certificate was issued has been renewed or extended, and then only for the period of such renewal or extension of the state board credential.

5. To grant, in accordance with the provisions of this code, permanent certificates of the grade and kind designated therein. Every certificate except a permanent certificate shall be valid for six years; *provided*, that when any certificate shall be granted on a recommendation or credential given for a limited period only, such certificate shall not be valid for a longer period than that specified in such recommendation or credential; *and provided, further*, that any certificate granted to a candidate who has not had at least one year of experience in teaching shall not be valid for a longer period than two years. All certificates must be issued upon blank forms prepared by the superintendent of public instruction, and must have the impress of the seal of the county board of education and be signed by a majority of the members of the county board of education issuing such certificate.

6. To adopt a list of books and apparatus for district school libraries and books for supplementary use in elementary schools in their respective counties and cities and counties, as required by section one thousand seven hundred twelve of the Political Code; *provided*, that no pupil shall be required to purchase said supplementary books, and pupils must be expressly notified by teachers that it is not required or desirable that such books for supplementary use be purchased by pupils or parents. When supplementary books are purchased, they must be paid for by the school district. Except in cities having a city board of education, to prescribe and enforce in the public schools a course of study and the use of a uniform series of textbooks.

7. To revoke or suspend, for immoral or unprofessional conduct, evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, the certificates granted by them. But no certificate shall be revoked or suspended until after a hearing before the county board of education, and then only upon the affirmative vote of at least four members of the board. All charges of immoral or unprofessional conduct, of evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, shall be presented to the board in writing and shall be verified under oath. Notice of the time of hearing and a full and complete copy of the charges shall be furnished to the accused at least ten days before the hearing. The accused shall be given a fair and impartial hearing and shall have the right to be represented by counsel. The hearing shall be governed by, and conducted under, the rules of the board.

8. To keep a record of their proceedings.

9. To provide for the conferring of diplomas of graduation, by examination and to issue such diplomas of graduation from the elementary schools of the county except city schools governed by city boards of education; *provided*, that nothing

herein shall be construed as prohibiting the county board of education from issuing diplomas of graduation without examination to the pupils in any school which has been accredited by the said county board of education. Such diplomas shall be conferred only upon such pupils as have completed the course of study prescribed by the board. All diplomas granted by the county board of education shall be on blanks furnished by the superintendent of public instruction and shall be signed by the president and secretary of the board.

10. To adopt and use in authentication of their acts, an official seal, and to have such printing done as may be necessary.

11. To prescribe and it shall be their duty to prescribe, on or before the first day of July of each year, the course of study in and for each grade of the elementary schools of the county for the ensuing school year; *provided*, that such course of study shall not apply to elementary schools in cities governed by city boards of education. Whenever necessary the board may amend and change the course of study, subject to the provisions of section one thousand six hundred sixty-five of this code.

SEC. 2. Section one thousand seven hundred seventy-five of the Political Code is hereby amended to read as follows:

1775. County boards of education may, without examination grant certificates as follows:

Certificates
granted
without
examination.

(a) High school certificates: (1) To the holders of high school credentials approved by the state board of education in accordance with the provisions of this code; (2) to the holders of special credentials issued by said state board in accordance with the provisions of this code; (3) to holders of high school certificates issued by any county or city and county board of education in this state.

(b) Junior high school certificates: (1) To the holders of junior high school credentials approved by the state board of education in accordance with the provisions of this code; (2) To the holders of special junior high school credentials issued by said state board of education in accordance with the provisions of this code; (3) To the holders of elementary school credentials who have heretofore been granted an extension to teach in the third year of any intermediate school course in accordance with law.

(c) Elementary school certificates: To holders of the following credentials: (1) Life diplomas or certificates of any state; *provided*, the state board of education in this state shall have decided that said diplomas or certificates represent experience and scholarship equivalent to the requirements for the elementary life diploma in California. (2) California state normal school diplomas, San Francisco city normal school diplomas heretofore granted, and other normal school diplomas; *provided*, that the state board of education of this state shall have accredited the normal school issuing said diploma as being of

Certificates
granted
without
examination.

equal rank with the state normal schools of California. (3) Diplomas of graduation with the bachelor's degree based upon a four-year course, granted by the University of California or any other university accredited by the state board of education for high school certification; *provided*, that the holder thereof has successfully completed eight months of experience in teaching, or twelve units of pedagogy according to regulations prescribed by the state board of education. (4) Holders of state board credentials of elementary grade issued by the state board of education in accordance with law. (5) To holders of valid elementary school teachers' certificates of any county, or city and county of California; *provided*, that the holder thereof has had eight months of successful teaching experience.

(d) Kindergarten primary certificates: (1) To the holders of kindergarten primary certificates of any county, or city and county of California; (2) to the holders of diplomas of graduation from the kindergarten-primary department of any state normal school in the state; (3) to the holders of credentials showing that the applicant has had professional kindergarten-primary training in an institution approved by the state board of education and also a general education equivalent to the requirements of graduation from the kindergarten-primary department of a California state normal school; (4) to the holders of kindergarten-primary credentials issued by the state board of education in accordance with the provisions of this code.

(e) Special certificates: (1) To the holders of credentials approved by the state board of education, in accordance with the provisions of this code; (2) to the holders of special credentials issued by the state board of education, in accordance with the provisions of this code.

(f) Attendance officer certificates: To the holders of special credentials therefor issued by the state board of education in accordance with the provisions of this code.

(g) Health and development certificates: To holders of certificates to practice medicine and surgery issued by the California state board of medical examiners or to holders of California life diplomas or special credentials in physical education granted by the state board of education, or to holders of certificates to practice dentistry by the California state board of dental examiners and to holders of certificates of registration as nurses, provided that certificates shall be granted to such persons only when such certificate to practice medicine and surgery, or California life diploma or certificate to practice dentistry, or certificate of registration as nurses, or a special credential in physical education granted by the state board of education, is accompanied by a special credential from the state board of education showing special fitness and training for health supervision of pupils.

2. Elementary school certificates may be granted to the holders of primary grade certificates who shall pass satisfac-

tory examinations in such branches as do not appear on their certificates or in the record of the examination upon which the original certificate was granted. Certificates granted without examination.

3. All certificates and diplomas now valid in California shall continue in force and effect for the full term for which they were granted. County boards of education may renew any certificate issued by them prior to the adoption of this law, and now in force, provided that no certificate shall be renewed after the same has expired. Except as otherwise provided, renewed certificates shall be valid for a period of six years.

4. When the holder of any certificate or state diploma shall have taught successfully in the same county, or city and county, for five years, the board of education of such county, or city and county, may grant a permanent certificate of the kind and grade which said applicant holds, valid in the county, or city and county, in which issued during the life of the holder, or until revoked for any of the causes designated in subdivision six of section one thousand seven hundred seventy-one of this code; *provided*, that such permanent certificate shall in no case be of a higher grade than the grade of the certificate or state diploma on which the teaching has been done; and for a permanent high school certificate twenty months of said teaching shall have consisted of regular high school work; *and provided, further*, that a certificate when renewed the second time, or any time thereafter, shall become, by such renewal, a permanent certificate if the holder of said certificate shall have complied with all the conditions of this subdivision.

5. No teacher shall be employed to teach in any way in any school if the certificate held by the teacher is of a grade below that of the school or class to be taught, nor shall a teacher holding a special certificate be employed to teach any subject not authorized in such certificate; *provided*, that the holders of existing primary certificates, or of the same when hereafter renewed or made permanent shall be eligible to teach in any of the grades of the day or evening elementary schools below the sixth year, and not including the kindergarten grades; and in any day or evening elementary school of the county, or city and county, which the county or city and county superintendent shall designate as a primary school; *and provided, further*, that the holder of any valid special certificate for kindergarten work, or of any kindergarten-primary certificate who presents to the county superintendent of schools a statement that she has spent one year in a California state normal school, signed by the president thereof, or who presents evidence of one year of successful experience in teaching in an elementary school, or who holds a state board credential for kindergarten work accompanied by a statement from the state board of education extending such credential to cover first grade work, shall be entitled to teach in the first grade of the elementary schools.

6. No librarian shall be employed for more than two hours a day in any high school, unless such librarian holds a high school certificate or a special teachers' certificate in library craft technique and use, of secondary grade, granted in accordance with the provisions of this code. Such librarians shall rank as teachers, and shall be subject to the burdens and entitled to the benefits of the public school teachers retirement salary fund law on the same basis as other teachers.

CHAPTER 575.

An act to amend section one thousand five hundred nineteen a of the Political Code, relating to the powers and duties of the state board of education.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred nineteen a is hereby amended to read as follows:

Powers of
state board.

1519a. The state board of education shall have power and it shall be its duty:

Prescribe
credentials
for high
school
certificates.

First—To prescribe by general rule the credentials upon which persons may be granted certificates to teach in the high schools of this state. No credentials shall be prescribed or allowed, unless the same, in the judgment of said board, are the equivalent of a diploma of graduation from the University of California, and are satisfactory evidence that the holder thereof has taken an amount of pedagogy equivalent to the minimum amount of pedagogy prescribed by the state board of education of this state.

Applicants
without
credentials.

Second—To consider the cases of individual applicants who have taught successfully for a period of not less than seventeen school months, and who are not possessed of the credentials prescribed by the board under the provisions of this section, and where the evidence submitted by the applicant does not satisfy the board it may, in its discretion, provide for his examination. The said board, in its discretion, may issue to such applicants high school credentials upon which they may be granted certificates to teach in the high schools of the state. In such special cases, the board may take cognizance of any adequate evidence of preparation which the applicants may present. The standard of qualification in such special cases shall not be lower than that represented by the other credentials named by the board under the provisions of subdivision first of this section.

Qualifica-
tions for
special
certificates.

Third—To establish and prescribe by general regulations the qualifications upon which county boards of education may grant to any person a special certificate to teach any special

subject or subjects in such grades as are mentioned therein; *provided*, that no qualification shall be prescribed for certification to teach in any grade whatever a vocational subject unless the candidate shall have had, as a minimum, three years' experience as a journeyman, or, where this terminology does not apply, its equivalent, in the vocation in which he desires certification.

Third (a)—To establish and prescribe by general regulations the qualifications upon which county or city and county boards of education may grant to any person a special credential to serve as attendance officer or assistant attendance officer. Credentials for attendance officers.

Fourth—To consider the cases of individual applicants who are not possessed of the qualifications prescribed in subdivision third of this section, or in the general regulations of the state board of education, and where the evidence submitted by any applicant who meets the academic requirements of the board does not satisfy the board of his knowledge of the special subject and methods of teaching the same, it may, in its discretion, provide such examination as it may deem expedient and wise. When the state board of education is satisfied that any applicant possesses qualifications equivalent to those so specified, it may issue to such applicant a state board credential upon which county boards of education may grant to him a special certificate to teach such special subject or subjects as are listed in said credential in such grades and for such length of time as therein specified.

Fourth (a)—To consider the cases of individual applicants, who are not possessed of the credentials accredited by the board for kindergarten certification. When the state board of education is satisfied that any applicant possesses qualifications equivalent to those represented by credentials so accredited, it may issue to such applicant a state board credential upon which county boards of education may grant a certificate to teach in the kindergartens of the county and in such other grades as the legislature may prescribe by general law; *provided*, the standard for such special credential shall not be lower than that represented by credentials accredited by the board. Applicants without credentials for kindergarten certification.

Fourth (b)—To consider the case of any applicant for an elementary school credential, who is a graduate of a normal school or college, or who holds a life diploma or life certificate of another state. When the state board of education is satisfied that any such applicant possesses the qualifications which fit him for elementary school teaching as well as does graduation for a California state normal school, it may issue to such applicant a state board credential upon which any county board of education may grant to him an elementary school certificate. Applicants for elementary school credential.

Fourth (c)—To prescribe by general rule the credentials upon which persons may be granted certificates to teach in the junior high schools of this state. No credentials shall be prescribed or allowed unless the same in the judgment of said board are based upon courses that are the equivalent of at least three years of work at the University of California and shall Junior high school certificates.

show satisfactory evidence that the holder thereof has taken courses in education equivalent to the minimum amount of work in education prescribed by the state board of education for said credential and include a recommendation for a junior high school certificate from the school of education or department of education of the institution in which such work in education shall have been taken.

Fourth (d)—To consider the cases of individual applicants who have taught successfully for a period of not less than seventeen months and who are not possessed of the credentials prescribed by the board for the junior high school certificate. The said board in its discretion may issue to any such applicant a junior high school credential upon which he may be granted a certificate to teach in the junior high schools of the state. In such cases the board may take cognizance of any adequate evidence of preparation which the applicant may present, but the standard of qualification in such special cases shall not be lower than the standard fixed by the board for the junior high school credential provided for in section fourth (c) of this section.

Health and
development
credential.

Fourth (e)—To consider the case of any applicant for a health and development credential. When the state board of education is satisfied that any such applicant possesses the qualifications for the health and development work fixed by law and by the regulations of the state board of education, it may issue to such applicant a state board credential for health and development supervision.

Life
diplomas.

Fifth—To grant life diplomas for four grades, valid throughout the state, as follows:

(1) High school, authorizing the holder to teach in any elementary or high school.

(2) Junior high school, authorizing the holder to teach in any junior high or elementary school.

(3) Elementary school, authorizing the holder to teach in any elementary school.

(4) Kindergarten-primary, authorizing the holder to teach in the kindergarten class and in such grade or grades of the elementary school as may be authorized by law, which grade or grades must be specified in such life diploma.

(5) Special, authorizing the holder to teach in any school such special branches and in such grades as are named in such diploma.

Qualifica-
tions for
life
diplomas.

Sixth—To issue, except as provided in sections one thousand five hundred three and one thousand seven hundred seventy-five of this code, life diplomas only to such persons as have held for one year, and still hold, a valid county, or city and county, certificate, corresponding in grade to the grade of diploma applied for, and who shall furnish satisfactory evidence of having had a successful experience in teaching of at least forty-eight months. Not less than twenty-one months of said experience shall have been in the public kindergarten, elementary, junior high and high schools of California; *pro-*

vided, however, that in issuing said life diplomas the state board of education may in its discretion accept teaching experience in the Whittier State School, California Polytechnic School, Preston School of Industry, Sonoma State Home, California School for Girls, or the Pacific Colony, in lieu of all or any part of the said twenty-one months of teaching experience in the public schools. Every application must be accompanied to the state board of education by a certified copy of a resolution adopted by at least a three-fourths vote of all the members composing a county, or city and county, board of education, recommending that the diploma be granted, and also by an affidavit of the applicant, specifically setting forth the places in which, and the date between which, said applicant has taught. The application for any credentials or document mentioned in this chapter or for any certified statement that such credential or document has been granted must be accompanied by a fee of two dollars, and in addition thereto each applicant permitted to take an examination shall, before he is so permitted, pay a fee of ten dollars. Each applicant for a life diploma shall pay a fee of three dollars, the same to cover the cost of the credential and accompanying portfolio. All of the above fees must be paid into the state treasury to the credit of the contingent fund of the state board of education and applied by said board in defraying or in partially defraying the expense of investigating the qualifications of candidates, issuing credentials, documents or diplomas, and providing for the employment of professional experts to conduct examinations for special credentials and high school credentials, as specified in subdivisions second and fourth of this section.

Seventh—To revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of teachers, or for evident unfitness for teaching, life diplomas, documents issued under the provisions of sections one thousand five hundred three and one thousand seven hundred seventy-five of this code, or credentials issued in accordance with the provisions of this section; and to adopt such rules for said revocation as they may deem expedient or necessary.

Revocation
or suspen-
sion of
life
diplomas.

Whenever the holder of any life diploma or other teachers' credential or document issued by the state board of education in accordance with law is charged with immoral or unprofessional conduct or evident unfitness for teaching or persistent defiance of, and refusal to obey, the laws regulating the duties of teachers, the state board of education in its discretion after notifying the teacher so charged of its intention so to do, may require the county board of education of the county in which such teacher is teaching or has last taught, to give notice of, and conduct, a hearing of such charges in the manner prescribed by law for the hearing of charges for the revocation or suspension of a teacher's certificate by a county board of education. The county board of education, after such hearing,

shall report to the state board of education its findings and a summary of the evidence and shall make a definite recommendation concerning the revocation or suspension of such life diploma or other teachers' credential or document. Upon receipt of a copy of such findings, summary of evidence and recommendation, the state board of education may suspend or revoke such life diploma or other teachers' credential or document for the causes hereinbefore stated, or order the charges dismissed.

Commission
of
credentials.

Eighth—The state board of education is hereby authorized to create a commission of credentials, to consist of the superintendent of public instruction, the commissioner of elementary schools, the commissioner of secondary schools and the commissioner of industrial and vocational education. This commission, when directed by the board, shall have authority to review the cases of applicants for any of the credentials specified in subdivisions second, third *a*, fourth, fourth *a* and fourth *b* of this section, and when said commission is satisfied that any candidate fully meets the standard maintained by the state board it may issue the proper credentials; *provided*, that said credentials to be valid must be issued upon the regular form used by the state board of education and must be signed by the secretary and president of said state board. The state board of education is further authorized to assign to the commission of credentials such duties relating to life diplomas, certificates, certification, and the accrediting of institutions for purposes of certification, as it may see fit.

Ninth—The state board of education shall have power and it shall be its duty to provide for the organization and supervision of courses in physical education in the public schools of this state.

CHAPTER 576.

An act to amend section one thousand seven hundred forty-two of the Political Code, relating to high schools.

[Approved May 28, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred forty-two of the Political Code is hereby amended to read as follows:

Location of
high school
in new
district.

1742. When the money for the purchase of a site for a high school in any newly formed high school district has been provided and is in the county treasury the superintendent of schools who has jurisdiction over said high school district shall at once call a meeting of the high school board in the same manner as he called the first meeting of said board for organization, for the purpose of making a permanent location of the high school. If at such meeting the members of the high school

board fail to agree unanimously upon the location for the high school, they shall propose, in writing, to the superintendent of schools and shall transmit to his office within ten days the names of the locations which they favor. Within twenty days ^{Election.} after receiving such proposals the superintendent of schools shall call an election in the same manner as the election for the formation of the district, to determine the location of the high school. At such election only such sites as have been named by the members of the high school board, and certified to the superintendent of schools shall be voted upon. Any form of ballot by which the voter signifies his choice of location shall be allowed. The result of said election shall be determined and certified to the superintendent of schools as provided in case of the election for the formation of the district. The location which receives the largest number of votes shall be chosen as the location of the high school. With the following ^{Change of location.} exception, no change of location of any high school where once established, shall be made except upon a petition to the superintendent of schools who has jurisdiction of the high school district, signed by two-thirds of the heads of families of the high school district, and then only upon the affirmative votes of two-thirds of the qualified electors of the high school district voting at an election called by the superintendent of schools, for that purpose. Such election shall be called and held, and the returns thereof made to the superintendent of schools, in the same manner as in the case of the election for the formation of the district; *provided, however*, that when any location has been once established in any of said districts, and said location lies within the corporate limits of any incorporated city or town, any change of location within the corporate limits of said city or town may be made upon any such change of location receiving the vote of the majority of the board of trustees of any such district whenever a new building is to be erected; *provided, further*, that when any location has been once established in any union high school district, and such location lies within the limits of any elementary school district not containing any incorporated city or town, any change of location within the limits of said elementary school district may be made upon any such change of location receiving the vote of the majority of the board of trustees of any such union high school district whenever a new building is to be erected

CHAPTER 577.

An act to amend sections twenty-six and twenty-seven of an act entitled, "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended.

[Approved May 30, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p. 1350,
amended.

SECTION 1. Section twenty-six of an act entitled, "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, is hereby amended to read as follows:

Veteran
defined

Sec. 26. The term veteran as used in this act means and includes any person who has served in the United States army, navy, marine corps, revenue marine service, or as an active nurse in the service of the American Red Cross, or in the army and navy nurse corps in time of war, or in any expedition of the armed forces of the United States, and received an honorable discharge or certificate of honorable active service proof of which shall be submitted to the civil service commission at the time of examination.

Stats. 1919,
p. 1350,
amended.

Sec. 2. Section twenty-seven of said act is hereby amended to read as follows:

Preference
for
veterans.

Sec. 27. The civil service commission shall by rule establish preference for veterans as follows: In the case of entrance examinations to establish eligible lists for policemen and watchmen, veterans who become eligible for appointment by attaining the passing mark established for the examination, and whose service as veterans exceeds three months, shall be classified on such eligible lists in the relative order of the individual ratings attained, and ahead of all non-veterans passing such examinations, and shall be eligible for appointment on the basis of such order of standing on such eligible lists.

In the case of all other entrance examinations, veterans with thirty days or more of service, and widows of veterans who were married to such veterans on or before November 11, 1918, who become eligible for appointment by attaining the passing mark established for the examination, shall be allowed an additional credit of five points, which shall be added to the percentages attained in such examinations by such veterans, and they shall be placed on eligible lists and be eligible for appointment in the order and on the basis of the percentages attained by them in examinations after such credit of five points shall have been added. All ties shall be decided in favor of veterans; *provided, however*, in the case of promotional examinations, a credit of three points shall be allowed to veterans and widows of veterans who were married to such veterans on or before November 11, 1918.

The civil service commission, for specific state services or employments, as determined by the commission, may, in examination, allow general or individual preferences in rating to veterans who have suffered permanent disability in line of duty; *provided*, that such disability would not prevent the proper performance of the duties required under such service or employment, and *provided* that such disability was of record in the files of the war department as of July 1, 1920.

In the case of examination to establish eligible lists for artisans, and in which credits are allowed for experience as a journeyman, periods of service in the armed forces of the United States, whether as artisan or otherwise, shall be counted by the commission as journeyman experience.

CHAPTER 578.

An act to authorize the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, for the single object of creating a fund to carry on the operations of the veterans' welfare board in accordance with the provisions of the California veterans' welfare act enacted at the forty-fourth session of the legislature of the State of California, and also in accordance with the provisions of the veterans' farm and home purchase act enacted at the forty-fourth session of the legislature of the State of California, or either of them enacted at the forty-fourth session of the legislature of the State of California, and of any and all acts amendatory or supplemental to said acts, or either of them; to provide ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; to create a veterans' welfare finance committee the members of which are to serve with-

out compensation; to define the powers and duties of said veterans' welfare finance committee and of other state officers in relation to this act; to appropriate money for the expense of preparing and of advertising the sale of the bonds herein authorized to be issued; and to provide for the submission of this act to a vote of the people at the general election to be held in the month of November, 1922.

[Approved May 30, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Indebtedness
for veteran
and
authorized.

SECTION 1. For the purpose of creating a fund to carry on the operations of the veterans' welfare board in accordance with the provisions of the California veterans' welfare act enacted at the forty-fourth session of the legislature of the State of California, and also in accordance with the provisions of the veterans' farm and home purchase act enacted at the forty fourth session of the legislature of the State of California, or either of them enacted at the forty-fourth session of the legislature of the State of California, and of any and all acts amendatory or supplemental to said acts, or either of them, the veterans' welfare finance committee created by this act shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

Preparation
of bonds.

SEC. 2. After the issuance of the proclamation of the governor provided for in section sixteen of this act, and immediately after adoption of any resolution by the veterans' welfare finance committee hereby created, provided for in section eleven of this act, the state treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of ten million dollars, and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said veterans' welfare finance committee and specified in such resolution, but in no case exceeding six per cent per annum. Both principal and interest shall be payable in gold coin of the United States, of the present standard of value, at the office of the state treasurer, or at the office of any duly authorized agent of the state treasurer, and shall be so payable at the times specified in said resolution or resolutions.

Value.

Signature
of bonds.

All bonds issued under this act shall bear the signature of the governor and the facsimile countersignature of the controller and shall be endorsed by the state treasurer either by original signature or by signature stamp adopted for each

particular bond issue under this act, and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The said bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof, and referring to this act and to the resolution of the veterans' welfare finance committee hereunder by virtue of which said bond is issued.

SEC. 3. The requisite number of suitable interest coupons, ^{Interest coupons.} appropriately numbered, shall be attached to each bond issued under this act. Said interest coupons shall bear the facsimile signature of the state treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

SEC. 4. All bonds issued under this act and sold shall be ^{Payment.} deemed to have been called in at their respective dates of maturity and the state treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the controller's warrants drawn in his favor as provided in section five hereof and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the state treasurer.

SEC. 5. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this act, as said principal and interest becomes due and payable. ^{Annual appropriation to pay principal and interest.}

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the

collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the general fund in the state treasury, all of the moneys in the specific fund into which the proceeds from the sale of the said bonds have been covered as herein prescribed, not in excess of the principal of and interest on the said bonds then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the general fund in the state treasury out of said specific fund as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the rate of five per cent per annum, compounded semi-annually.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the general fund by the controller of the state in favor of the state treasurer or in favor of any duly authorized agent of the state treasurer, upon demands audited by the state board of control, and the moneys to be returned into the general fund in the state treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the controller of the state upon demands duly audited by the state board of control.

Appropriation for preparation and advertising of bonds.

SEC. 6. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared and in advertising their sale. Said amount shall be refunded to the general fund in the state treasury out of the specific funds into which the proceeds from the sale of said bonds shall be respectively covered in accordance with the provisions of this act on controller's warrant duly drawn for that purpose.

Sale to highest bidder.

SEC. 7. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the veterans' welfare board and approved by the governor of the state; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the governor, he may from time to time, by public announcement at the place and time fixed for the

sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

SEC. 8. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in one newspaper published in the city and county of San Francisco and also by publication in one newspaper published in the city of Oakland and by publication in one newspaper published in the city of Los Angeles and by publication in one newspaper published in the city of Sacramento once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the veterans' welfare fund for land settlement, or into the veterans' farm and home building fund, as the case may be, in accordance with the resolution of the veterans' welfare finance committee, provided for in section eleven of this act, by virtue of which resolution the said bonds shall have been issued, and must be used exclusively to provide useful employment and the opportunity to acquire farm homes with profitable livelihood on the land for veterans and to provide for cooperation of the state with the agencies of the United States engaged in work of similar character, and to furnish to veterans the opportunity to purchase farms, homes and home sites, in accordance with the provisions of the California veterans' welfare act and of the veterans' farm and home purchase act, or either of them, and of any and all acts amendatory or supplemental to said acts, or either of them; *provided*, that the said veterans' welfare board must pay over to the general fund of the state from the proceeds of the sale of the bonds all money which has been heretofore or may be hereafter appropriated and advanced out of the general fund in the state treasury for the use of the said veterans' welfare board on condition that it shall be so paid over; *provided, further*, that the said veterans' welfare board may, out of the proceeds from the sale of said bonds, pay all or any part of any indebtedness heretofore by it incurred in accordance with law and remaining unpaid, including the interest accrued thereon, unless the rate of interest applying to such indebtedness is less than the rate of interest applying to the said bonds; *and provided, further*, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

SEC. 9. The veterans' welfare board shall be and hereby is authorized, with the approval of the state board of control,

Notice of sale.

Disposition of proceeds.

Investment of surplus money.

to invest any surplus moneys in any of the funds subject to or appropriated for its use in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the state board of control.

Veterans' welfare finance committee.

SEC. 10. There is hereby created a veterans' welfare finance committee composed of the governor, state controller, state treasurer, chairman of the state board of control, and chairman of the veterans' welfare board, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. The attorney general of the state shall be the legal advisor of the veterans' welfare finance committee.

Request to issue bonds.

Upon request of the veterans' welfare board, supported by a statement of the plans and projects of the veterans' welfare board with respect thereto, which statement shall designate the specific fund to which such plans and projects relate, the veterans' welfare finance committee shall determine whether or not a bond issue under this act is necessary or desirable to carry such plans and projects into execution.

Resolution authorizing issue.

SEC. 11. Whenever the said veterans' welfare finance committee shall have determined that a bond issue under this act is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the state treasurer to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts, and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The specific fund into which the proceeds from the sale of the bonds to be issued shall be placed and from which disbursements thereof shall be made in accordance with this act.

6. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

Determination of maturity and amount of issue.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the veterans' welfare finance committee shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the veterans' welfare board from the project or projects to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, and be commensurate, as nearly as practicable, with

the dates and amounts of such estimated revenues; *provided*, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance thereof; *provided, further*, that specified numbers of bonds of specified numerical sequence shall thereafter mature at annual intervals; and *provided, further*, that the bonds last to mature in each issue shall mature not later than forty-five years from the date of issuance thereof.

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the veterans' welfare finance committee according to the then prevailing market conditions, but shall in no case exceed six per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; *provided*, that the interest coupon first payable may, if the veterans' welfare finance committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

SEC. 12. All actual and necessary expenses of the veterans' welfare finance committee and of the members thereof shall be paid out of the fund into which the proceeds from the sale of said bonds shall be covered, upon approval of the state board of control and on controller's warrant duly drawn for that purpose, and shall constitute expenses of the veterans' welfare board.

SEC. 13. The state controller, the state treasurer, and the veterans' welfare finance committee shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

SEC. 14. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1922, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SEC. 15. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1922, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the veterans' welfare bond act of 1921," and in the same square under said words the following in brevier type: "This act provides for a bond issue of

ten million dollars to be used by the veterans' welfare board in assisting California war veterans to acquire farms or homes." In the square immediately below the square containing such words, there shall be printed on said ballot the words: "Against the veterans' welfare bond act of 1921," and in the same square immediately below said words "Against the veterans' welfare bond act of 1921" in brierley type shall be printed "This act provides for a bond issue of ten million dollars to be used by the veterans' welfare board in assisting California war veterans to acquire farms or homes." Opposite the words "For the veterans' welfare bond act of 1921" and "Against the veterans' welfare bond act of 1921," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the veterans' welfare bond act of 1921" and those voting against the said act shall do so by placing a cross opposite the words "Against the veterans' welfare bond act of 1921." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Canvass of votes.

SEC. 16. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Majority vote.

Publication of act.

SEC. 17. It shall be the duty of the secretary of state in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, 1922; the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose and shall be refunded to the general fund out of the veterans' welfare fund for land settlement and the veterans' farm and home building fund jointly, each of said funds sharing one-half of said costs. Said refund shall be made upon controller's warrants duly drawn against said funds for said purpose upon demands audited by the state board of control.

Title of act.

SEC. 18. This act may be known and cited as the "veterans' welfare bond act of 1921."

Repealed.

SEC. 19. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 579.

An act to provide educational opportunities for persons who served in the army, navy or marine corps of the United States in time of war, and making an appropriation therefor.

[Approved May 30, 1921. In effect July 20, 1921.]

The people of the State of California do enact as follows:

SECTION 1. As used in this act the term "veteran" ^{"Veteran" defined} includes any individual who has served on active duty in the army, navy or marine corps of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include:

1. Any individual at any time after April 5, 1917, and before November 12, 1918, or thereafter separated from such forces under other than honorable conditions;

2. Any conscientious objector who performed no military duty whatever or refused to wear the uniform, or

3. Any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

SEC. 2. There is hereby established an educational institute to be known as the California veterans' educational institute, to provide opportunities for veterans to continue their education, and to be under the management and control of the veterans' welfare board as created by the California veterans' welfare act adopted at the forty-fourth session of the legislature of the State of California. ^{California veterans' educational institute established.}

SEC. 3. Any veteran who desires to continue his education may apply for admission to the institute and if, in the opinion of the board, the educational needs and desires of the veteran can be satisfactorily met in educational institutions in this state, the board shall assume state wardship over the education of such veteran. The board shall have the power, within its discretion, to provide educational counsel for students and where necessary to assist them in securing admission to suitable institutions of learning; *provided*, that private tuition schools shall be chosen only when suitable opportunity is not available in public or semipublic institutions. ^{Educational assistance to veterans.}

The board shall also, within its discretion, and in so far as the funds hereinafter provided may permit, have power to provide:

(a) For the payment of transportation charges once each year from the home of the student to and from the institution of learning.

(b) For the payment of tuition and other fees if there be such.

(c) For the purchase of necessary books and supplies.

(d) For the monthly payment of an allowance to cover all or a part of the living expenses of the student in an amount which shall not exceed forty dollars per month for each month during which the student is in actual attendance upon a day school, absence during the month on account of illness to be included as a part of such attendance.

(e) The amount expended on account of any one veteran under the provisions of this section shall not exceed one thousand dollars.

(f) The board shall consider the application of veterans for admission to the institution in the order in which they are received; however, should the funds available be insufficient to meet the obligations, should it assume wardship over all worthy applicants, the board shall assume wardship over such veterans as are most urgently in need of further education.

Cooperation with U. S.

SEC. 4. The California veterans' welfare board shall have power to cooperate and confer with the duly authorized agencies of the United States in carrying out the provisions hereof.

Appropriation

SEC. 5. For the purpose of carrying out the provisions of this act the sum of five hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated. Three hundred thousand dollars of the amount herein appropriated shall be available at the taking effect of this act and the remaining two hundred thousand dollars shall be available on July 1, 1923.

Veterans precluded from benefits.

SEC. 6. Any veteran who has taken advantage of the benefits of the veterans' welfare act or of the veterans' farm and home purchase act, adopted at the forty-fourth session of the legislature of the State of California, or who has received a bonus or adjusted compensation from this state, shall be precluded from taking advantage of the opportunities offered under the provisions of this act.

Constitutionality.

SEC. 7. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER 580.

An act creating a veterans' welfare board and defining its powers and duties and making an appropriation in aid of its operations.

[Approved May 30, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

SECTION 1. This act may be known and cited as the Cali- Title of act.
fornia veterans' welfare act.

SEC. 2. As used in this act the term "veteran" includes "Veteran" defined.
any individual who has served on active duty in the army, navy or marine corps, of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include—

1. Any individual at any time after April 5, 1917 and before November 12, 1918 or thereafter separated from such forces under other than honorable conditions;

2. Any conscientious objector who performed no military duty whatever or refused to wear the uniform, or

3. Any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

The object of this act is to provide useful employment and the opportunity to acquire farm homes with profitable livelihood on the land for veterans and to provide for cooperation of the state with the agencies of the United States engaged in work of a similar character.

SEC. 3. For the purposes of this act the "veterans' welfare board" is hereby created. Veterans' welfare board created.
This board shall consist of five members to be appointed by the governor to hold office for a term of four years and until their successors have been appointed and shall qualify. Four of such members shall be veterans. Of the members first appointed one shall be appointed to hold office until the first day of January 1922, one until the first day of January 1923, one until the first day of January 1924 and two until the first day of January 1925. The governor shall designate one of the veteran members as chairman of the board and director of veterans' welfare. The secretary may or may not be a member of the board.

Such expert, technical and clerical assistance as may prove necessary may also be selected by the board. The board shall fix the salaries of all employees with the approval of the state board of control. Four members of the board shall receive a per diem for each meeting attended and the chairman shall receive a salary, said per diem and salary to

be fixed by the state board of control, with the approval of the governor. The members shall also receive their actual necessary traveling expenses in the discharge of their duties. The said veterans' welfare board shall have power to cooperate and to contract with the duly authorized representatives of the United States government in carrying out the provisions of this act.

Rights of board.

SEC. 4. The veterans' welfare board hereinafter called "the board" shall constitute a body corporate with the right on behalf of the state to hold property, receive and request donations, sue and be sued and all other rights provided by the constitution and laws of the State of California as belonging to bodies corporate. Three members of the board shall constitute a quorum and such quorum may exercise all the power and authority conferred on the board by this act.

Purchase of lands and water rights.

SEC. 5. For the purposes of this act the board may acquire on behalf of the state by purchase, gift or the exercise of the power of eminent domain, all lands, water rights, and other property needed for the purposes hereof and may take title in trust and shall without delay improve, subdivide, and sell such land, water rights and other property with appurtenances and rights to approved bona fide settlers who are veterans; the board shall have the authority to set aside for town site purposes a suitable area purchased under the provisions of this act and to subdivide such area and sell or lease to veterans or others the same for cash, or on such terms as the board may see fit, in lots of such size and with such restrictions as to resale as they shall deem best; and *provided, further*, that the board shall have authority to set aside and dedicate to public use such area or areas as it may deem desirable for roads, school houses, churches or other public purposes.

Notice of purchase.

SEC. 6. Whenever the board believes that private land should be purchased for settlement under this act it shall give notice by publication in one or more newspapers of general circulation in this state setting forth approximately the area and character of the land desired and the conditions that shall govern the proposed purchase and inviting owners of land willing to enter into a contract of sale on the conditions proposed to submit such land for inspection.

Report on tracts.

SEC. 7. Within thirty days thereafter the board shall direct an officer or officers in its employ or one or more persons who may, at its request, be designated by the dean of the college of agriculture of the University of California, to inspect and report on all tracts of land suitable for closer settlement which are so submitted.

Details of report.

SEC. 8. The board shall give not less than one week's notice of the approximate date when tracts submitted will be inspected and every report of such inspection shall as far as practicable specify:

(a) The situation and brief description thereof.

(b) Extent and situation of land comprising formation of any tract as is proposed to acquire.

- (c) Names and addresses of the owners thereof.
- (d) Character of water rights.
- (e) Nature of improvements.
- (f) Crops being grown on land.
- (g) Appraisement of value of land, water rights and improvements.

Sec. 9. On receiving the reports of all the land examined the board shall decide which of the areas is best suited for the purposes of the act. Before so deciding the board may examine the land or it may employ one or more competent valuers to fix the productive value of the land and report the same in writing. The owner or his agent may give evidence as to its value.

Division on areas

Sec. 10. If, from the evidence submitted, or from the results of its personal inspection, the board is satisfied that one or more of the tracts submitted are suited to intensive closer settlement and can be acquired at a reasonable price it shall submit to the governor its report giving the reasons for recommending the purchase and on the approval of the governor the board shall be authorized to purchase the same; *provided*, that before such purchase is made the attorney general shall approve the title of such lands and any water rights appurtenant thereto and the state water commission shall certify in writing as to the sufficiency of any water rights to be conveyed.

Recommendation of purchase.

Sec. 11. All sales to settlers of land under this act shall be made upon such terms and conditions as shall give to the board full control of any subdivisions thereof until all moneys advanced by the state for the purchase, improvements or equipment of such subdivisions are fully repaid together with interest thereon as herein provided.

Terms of sale to settlers.

Sec. 12. Immediately upon taking possession of any land purchased as above or otherwise obtained and after deducting any areas to be set aside for town sites or public purposes in accordance with section five of this act the board shall subdivide it into areas suitable for farms and farm laborer's allotments and lay out and wherever necessary construct roads, ditches and drains for giving access to and insuring proper cultivation for the several farms and farm laborer's allotments. The board, prior to disposing of it to settlers or at any time after such land has been disposed of but not after the end of the fifth year from the commencement of the term of the settlers' purchase contract may

Subdivision into farms and farm laborer's allotment.

(a) Prepare all or any part of such land for irrigation and cultivation.

Irrigation.

(b) Seed, plant and fence such land and cause dwelling houses and outbuildings to be erected on any farm allotment and make any improvements not specified above necessary to render the allotment profitable and productive in advance of and after settlement, the total cost to the board of such dwelling and outbuildings and improvements not to exceed five thousand dollars on any one farm allotment.

Planting.

Cottages. (c) Cause cottages to be erected on any farm laborer's allotment and provide a domestic water supply. The combined cost to the board of the cottage and water supply not to exceed one thousand five hundred dollars on any one farm laborer's allotment.

Loans. (d) Make loans not to exceed three thousand dollars to any one settler for the purchase of necessary live stock and equipment such loans to be secured in any manner that the board may direct or without security other than the personal obligation of the settler.

Irrigation work. SEC. 13. Authority is hereby granted to the board where deemed desirable to operate and maintain any irrigation works constructed to serve any lands purchased and sold under the provisions of this act. All moneys received in tolls or charges for the operation and maintenance of any works or for any water supplied therefrom shall be deposited in the veterans' welfare fund for land settlement created by this act and shall become available for the payment of any charges or expenses authorized in this act to be paid from said veterans' welfare fund for land settlement.

Lease of land. SEC. 14. After the purchase of land by the board under the provisions of this act and before its disposal to approved bona fide applicants the board shall have authority to lease such land or a part thereof on bonded or secured leases on such terms as it shall deem fit.

Maximum value of allotments. SEC. 15. Lands disposed of under this act other than land set aside for town sites or public purposes shall be sold either as farm allotments each of which shall have a value not exceeding, without improvements, fifteen thousand dollars, or as farm laborer's allotments each of which shall have a value not exceeding without improvements one thousand dollars.

Notice of opening area for settlement. Before any part of an area is thrown open for settlement there shall be such notice thereof given once a week for four weeks in one or more daily newspapers of general circulation in the State of California setting forth the number and size of farm allotments or farm laborer's allotments or both, the price at which they are offered for sale, the mode of payment and such other particulars as the board may think proper and specifying a definite period within which applications therefor shall be filed with the board on forms provided by the board. The board shall have the right in its uncontrolled discretion to reject any and all applications it may see fit and may readvertise as aforesaid as often as it sees fit until it receives and accepts such number of applications as it may deem necessary. If no applications satisfactory to the board are received for any farm allotment or farm laborer's allotment following such advertising the board, at any time prior to readvertising, may sell to a veteran any such farm allotment or farm laborer's allotment at the price at which they were so offered for sale without the necessity of readvertising. The board shall also have the power in dealing with any such farm allotment or farm laborer's allotment for which there has been

no such application satisfactory to the board to subdivide or amalgamate any one or more of such allotments as it may see fit and fix the price thereon; *provided*, that the limitation of fifteen thousand dollars for a farm allotment and one thousand dollars for the farm laborer's allotment, as in this section set forth are not violated. Such subdivision or amalgamation may be had without the necessity or readvertising. The board may also sell at public auction under such conditions of sale and notice thereof as the board may prescribe any areas which the board may determine are not suitable for farm allotments or farm laborer's allotments; *provided*, if such area has been included in such a farm allotment or farm laborer's allotment, then such sale at public auction can be made only after a failure to receive any application satisfactory to the board after the advertising thereof as required by the terms of this section.

SEC. 15a. The selling prices of the several allotments into which lands purchased under this act are subdivided, other than those set aside for townsite and public purposes, shall be fixed by the board, so as to render such allotments as nearly as possible equally attractive, and calculated to return to the state the original cost of the land, together with a sufficient sum added thereto to cover all expenses and costs of surveying, improving, subdividing, and selling such lands, including the payment of interest, and all costs of engineering, superintendence, and administration, including the cost of operating any works built, directly chargeable to such land, and also the price of so much land as shall on subdivision be used for roads and other public purposes, and also such sum as shall be deemed necessary to meet unforeseen contingencies. Selling prices of allotments.

SEC. 16. Any veteran who is not the holder of agricultural land or possessory rights thereto to the value of fifteen thousand dollars and who, by this purchase would not become the holder of agricultural land or possessory rights thereto exceeding such value, and who is prepared to enter within six months upon actual occupation of the land acquired, may apply for and become the purchaser of either a farm allotment or a farm laborer's allotment; *provided*, that no more than one farm allotment or more than one farm laborer's allotment shall be sold to any one person; *provided, further*, that no applicant shall be approved who shall not satisfy the board as to his or her fitness successfully to cultivate and develop the allotment applied for. In any such sales preference must be given to veteran trainees in agriculture, under the provisions of the vocational rehabilitation act of congress, approved June 27, 1918, and all acts amendatory thereof or supplemental thereto, or to veterans who were wounded or disabled while a member of the military or naval forces of the United States, and who are otherwise qualified by experience. Conditions of purchase by veteran.

SEC. 17. Every approved applicant shall enter into a contract of purchase with the board the terms of which shall be determined by the board. Such applicant shall, if required, Contract of purchase.

by the board enter into an agreement to apply for a loan from the federal land bank under provisions of the federal farm loan act, for an amount to be fixed by the board and shall pay the board the amount of any loan so made as a partial payment on such land and improvements. The balance due on the land shall be paid in amortizing payments extending over a period to be fixed by the board not exceeding forty years together with interest thereon at the rate of five per cent per annum compounded at periods to be fixed by the board; the amount due on improvements shall be paid in amortizing payments extending over a period to be fixed by the board not exceeding twenty years together with interest at the rate of five per cent per annum compounded at periods to be fixed by the board; the repayments of loans shall extend over a period to be fixed by the board not exceeding five years; *provided, however*, in each case, that the settler shall have the right on installment date to pay any or all installments still remaining unpaid; *provided, further*, that the board may in any individual case postpone from time to time the whole or any portion of any payment, initial or otherwise, of principal or interest, on account of land improvements or loans, upon such terms as the board may determine proper.

Purchaser to
cultivate
land, etc.

SEC. 18. Every contract entered into between the board and an approved purchaser shall contain among other things provisions that the purchaser shall cultivate the land in a manner to be approved by the board and shall keep in good order and repair all buildings, fences and other permanent improvements situated on his allotment, reasonable wear and tear and damage by fire excepted. Each settler shall, if required, insure and keep insured against fire all buildings on his allotment, the policies therefor to be made out in favor of the board and to be in such amount or amounts and in such insurance companies as may be prescribed by the board.

The board shall have power in its own name to insure and keep insured against fire and such other risks as the board may determine, all buildings or other improvements on any of the lands under the control of the board. The board shall likewise have the power in any contract of purchase under which the board purchases lands as authorized in this act, to provide for the return by the board to the owner so selling to the state of any insurance premium or taxes which may have been paid on said property by such owner or for which such owner may have become obligated to pay.

Transfers.
approved
by board.

SEC. 19. No allotment sold under the provisions of this act shall be transferred, assigned, mortgaged, or sublet in whole or in part, without the consent of the board given in writing, until the settler has paid for his farm allotment or farm laborer's allotment in full and complied with all of the terms and conditions of his contract of purchase.

Cancellation
of contract.

SEC. 20. In the event of a failure of a settler to comply with any of the terms of his contract of purchase and agreement with the board, the state and the board shall have the

right at its option to cancel the said contract of purchase and agreement and thereupon shall be released from all obligation in law or equity to convey the property and the settler shall forfeit all right thereto and all payments theretofore made shall be deemed to be rental paid for occupancy. The board may require of the settler such mortgage or deed of trust or other instrument as may be necessary under the terms and conditions of the contract of purchase in order to adequately protect and secure the board. There may be included in such contract of purchase, mortgage, deed of trust or other instrument any conditions with reference to sale of the property or reconveyance back to the board or notice of such sale or reconveyance as may in the discretion of the board be required to be so included in such contract of purchase, mortgage, deed of trust or other instrument, in order to so adequately protect the said board in the premises. The failure of the board or of the state to exercise any option to cancel, or other privilege under the contract of purchase for any default shall not be deemed as a waiver of the right to exercise the option to cancel or other privilege under the contract of purchase for any default thereafter on the settler's part. But no forfeiture so occasioned by default on the part of the settler shall be deemed in any way, or to any extent, to impair the lien and security of the mortgage or trust instrument securing any loan that it may have made as in this act provided. The board shall have the right and power to enter into a contract of purchase for the sale and disposition of any land forfeited as above provided, because of default on the part of a settler, and this right may be exercised indefinitely without the necessity of advertising.

If illness or accident prevents a settler from cultivating his land or harvesting any crop or crops growing thereon, the board may cultivate the land or cause it to be cultivated, or harvest, or cause to be harvested the crop or crops growing thereon. In such event the board may sell such crop or crops so harvested. Out of the proceeds of such sale or sales the board may reimburse itself for any expense which it may have incurred in the cultivation of the land, the harvesting of the crops and the sale thereof, and retain any moneys due to the board from the settler, and the balance, if any, shall be paid by the board to the settler.

SEC. 21. Actual residence on any allotment sold under the provisions of this act shall commence within six months from the date of the approval of the application and shall continue for at least eight months in each calendar year for at least five years from the date of the approval of the said application, unless prevented by illness or some other cause satisfactory to the board; *provided*, that in case any allotment disposed of under this act is returned to and resold by the state, the time of residence of the preceding purchaser may in the discretion of the board be credited to the subsequent purchaser.

Residence on allotment.

SEC. 22. The power of eminent domain shall be exercised by the state at the request of the board for the condemnation

Right of eminent domain.

of water rights and rights of way for roads, canals, ditches, dams and reservoirs, necessary or desirable for carrying out the provisions of this act, and on request of the board the attorney general shall bring the necessary and appropriate proceedings authorized by law for such condemnation of said water rights or rights of way, and the cost of all water rights or rights of way so condemned shall be paid out of the veterans' welfare fund for land settlement hereinafter provided for. The board shall have full authority to appropriate water under the laws of the state when such appropriation is necessary or desirable for carrying out the purposes of this act.

Appropriation.

SEC. 23. For the purpose of carrying out the provisions of this act the sum of one million dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated. Of this amount the sum of nine hundred fifty thousand dollars shall constitute a revolving fund to be known as veterans' welfare fund for land settlement which is calculated to be returned to the state within a period of fifty years from the effective date of this act with interest at the rate of four per cent per annum on so much thereof as shall be withdrawn from said veterans' welfare fund for land settlement, from the date of withdrawal until returned into said veterans' welfare fund for land settlement, or until returned into the general fund in the state treasury, as the case may be; *provided*, that in the event of the sale of any bonds which may be hereafter authorized to be issued to create a fund to be expended in accordance with the provisions of this act, then and in that event the sum of nine hundred fifty thousand dollars hereby appropriated shall be returned into the general fund in the state treasury from the proceeds of the sale of such bonds. The remaining fifty thousand dollars shall constitute a fund available for the payment of administrative expenses alone until such time as other moneys are available for such purposes from the sales of land as provided for in this act.

The state controller is authorized and directed to draw warrants upon such funds from time to time upon requisition of the board approved by the state board of control and the state treasurer is hereby authorized and directed to pay such warrants.

Advances by board of control.

SEC. 24. The state board of control is hereby authorized to provide for advances of money to the board needed to meet contingent expenses to such an amount not exceeding twenty-five thousand dollars as the said board of control shall deem necessary, which advances shall be administered as a revolving fund or revolving funds.

Deposit of money paid by settlers.

SEC. 25. The money paid by settlers on lands, improvements, or in the repayment of advances, shall be deposited in the veterans' welfare fund for land settlement and be available under the same conditions as the original appropriation.

SEC. 26. The board shall have authority to make all needed rules and regulations for carrying out the provisions of this act.

SEC. 27. The board is hereby authorized to investigate soldiers' land settlement conditions in California and elsewhere and to submit recommendations for such legislation as may be deemed by it necessary or desirable. The board shall render an annual report to the governor and a copy thereof to the secretary of the interior which report shall be filed and printed as required by sections three hundred thirty-two, three hundred thirty-three, three hundred thirty-four, three hundred thirty-six and three hundred thirty-seven of the Political Code with the exception that they shall be so filed annually instead of biennially as provided in such sections. Except as herein otherwise provided no land acquired under the provisions of this act shall in any event become liable for any debt contracted prior to the issuance of a deed by the board therefor.

Investigation of soldiers' land settlement conditions.

SEC. 28. The board shall, as far as possible, utilize the services of veterans in administrative and other work for the purposes of carrying out the provisions of this act. Nothing contained in that certain act entitled, "An act to provide for a general system based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the willful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, or in any acts amendatory thereof or supplementary thereto, or in any other act or acts whatsoever, shall limit the power of the board to utilize the services of veterans in administrative and other work, for the purpose of carrying out the provisions of this act.

Preference to veterans in administrative work.

SEC. 29. Any veteran who has taken advantage of the benefits of the veterans' farm and home purchase act adopted at the forty-fourth session of the legislature of the State of California shall be precluded from taking advantage of the opportunities offered under the provisions of this act.

Veterans precluded from aid.

SEC. 30. It is hereby made the duty of all state, county, city and county officials to furnish and give all required information to the veterans' welfare board, upon request, and shall further assist said board in any manner in accordance with law and without charge therefor.

Assistance by state and local officers.

SEC. 31. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Constitutionality.

CHAPTER 581.

An act to amend section seven of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, and to add a new section to be known and numbered as eight g.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p 1275,
amended.

SECTION 1. Section seven of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, is hereby amended to read as follows:

Penalties for
unlawful
sale of
narcotics.

Sec. 7. Any person convicted under section eight of this act for selling, peddling, furnishing, or giving away, or offering to sell, furnish or give away, any of the narcotic drugs or their derivatives mentioned in section eight, shall upon conviction for the first offense be deemed guilty of a misdemeanor and punished by imprisonment in the county jail for not less than one hundred eighty days nor more than three hundred sixty-five days; for the second and each subsequent offense shall be deemed guilty of a felony, and upon conviction thereof be imprisoned in the state prison for not less than one year nor more than five years.

Any person convicted under section eight of this act for having in possession any of the narcotic drugs or their derivatives mentioned therein, shall upon the first conviction be deemed guilty of a misdemeanor, and punished by a fine of not more than two hundred dollars, or not more than ninety days imprisonment in the city or county jail, or by both such fine and imprisonment; for the second and each subsequent offense of which said person so convicted shall be found guilty, said person shall be deemed guilty of a felony and punished by imprisonment in the state prison for not less than one year, nor more than five years.

Any person who shall hire, employ or use, any minor under the age of sixteen years in unlawfully transporting, carrying, selling, preparing for sale, peddling, or using any of the narcotic drugs or their derivatives mentioned in section eight of this act, shall upon conviction thereof be deemed guilty of a felony and punished by imprisonment in the state prison for not less than one year nor more than five years.

Any person violating any of the other provisions of this act, except those contained in sections eight and eight e, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than two hundred dollars, or by imprisonment for not less than thirty days, and not more than fifty days, or by both such

fine and imprisonment. All moneys, forfeited bail or fines, received under the operation of this act shall be paid by the magistrate receiving same, seventy-five per cent to the state board of pharmacy and twenty-five per cent to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted.

The following is schedule "A" referred to in section one, ^{Schedule "A"} viz: schedule "A," arsenic, its compounds and preparations, corrosive sublimate, and other poisonous derivatives of mercury, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue, savin, and fanny, phosphorus and its poisonous derivatives and compounds, strophanthus or its preparations, aconite, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poison containing any of the poisons enumerated in this schedule.

The following is schedule "B": ^{Schedule "B."} hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromine, chloroform, cowhage, creosote, ether, solution of formaldehyde or formaline, cantharides, cocculus indicus, all of their preparations; iodine or its tinctures, oil of pennyroyal, tartar emetic, and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of creosol.

SEC. 2. A new section is hereby added to said act, approved March 6, 1907, as amended, to be numbered eight g and to read as follows:

Sec. 8g. Any automobile or other vehicle used by or with the consent or knowledge of the owner thereof, to unlawfully convey, carry or transport any cocaine, morphine, heroin or opium may be seized by any duly authorized peace officer and when such seizure is made shall be considered as part of the evidence under this act and the magistrate shall upon conviction of the owner of said automobile or his authorized agent, for a violation of section seven of this act, turn said automobile or other vehicle over to the California state board of control. The board of control shall deliver to the state board of pharmacy such number of said machines as may be needed by the board of pharmacy in enforcing the provisions of this act. In all prosecutions for a violation of section seven of this act where any of the narcotic drugs or their derivatives mentioned in section eight of this act, are found in an automobile or other vehicle, said automobile or other vehicle may be seized by any duly authorized peace officer and held as part of the evidence for a violation of this act; *provided*, that nothing contained in this section shall apply to common carriers, or to any employee acting within the scope of his employment under this act. ^{Seizure of automobile or other vehicle.}

CHAPTER 582.

An act to amend sections one, two, four, six, eight and eleven of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof,' " approved June 12, 1913, as amended, and to add a new section thereto to be numbered five and one-half, relative to registration of nurses.

[Approved May 31, 1921. In effect—see section 8.]

The people of the State of California do enact as follows:

Stats. 1915,
p. 603,
amended.

SECTION 1. Section one of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof,' " approved June 12, 1913, as amended is hereby amended to read as follows:

Registration
of graduate
nurses.

Section 1. Within thirty days after this act takes effect the state board of health shall establish and maintain a department of examination and certification of graduate nurses as hereinafter provided. The state board of health shall appoint a director, whose salary shall be fixed by the board, and said director shall have been graduated from an accredited training school for nurses as defined in this act, and shall be duly certified under the provisions of this act. Said director shall visit and inspect all training schools in this state, subject to the provisions of this act, at such times as may be required by the secretary of the board, and shall perform all duties required by this act and such other duties as may be required by the state board of health in order to carry out the objects and provisions of this act. Training schools complying with requirements herein specified and upon recommendation of the director, shall be accredited by the board. Lists of

Director.

Accredited
training
schools.

accredited training schools for nurses and a register of the names of all nurses duly certificated under this act shall be prepared and kept by the department. A biennial report shall be prepared and filed with the state board of health.

SEC. 2. Section two of said act approved June 12, 1913, as amended is hereby amended to read as follows:

Stats. 1913, p. 21, amended. Examinations.

Sec. 2. Examinations as provided for in this act shall be held at least every six months, at such times and places as the board shall direct and according to the rules and regulations of said board. Public notice of such examinations shall be given by publishing the same at least two weeks prior to the date of such examination in two or more papers of general circulation and one nursing journal, to be selected by the board. All of said papers and said nursing journal shall be published within the State of California. Upon filing application for examination, each applicant shall pay an examination fee of fifteen (\$15) dollars for certificate as registered nurse, which shall in no case be returned to the applicant. No further fee shall be required for certificate.

SEC. 3. Section four of said act approved June 12, 1913, as amended is hereby amended to read as follows:

Stats. 1913, p. 614, amended.

Sec. 4. Applicants for examination for certificate as registered nurse must be at least twenty-one years of age and must present to the board satisfactory evidence of having received and completed in an accredited school of nursing a course including instruction covering a period of not less than twenty-eight months in the actual care of medical, surgical, obstetrical patients and sick children, as required by the board. After July, 1923, applicants must also present evidence of preliminary education which is satisfactory to the board. An accredited school of nursing is hereby defined to be a school for the education and training of nurses attached to or operated in connection with a hospital or hospitals approved by the board, giving a course of instruction in theoretical teaching and practical work covering not less than twenty-eight months. Theoretical teaching shall consist of the required number of hours of instruction in such subjects and arranged in such order as the board may from time to time determine. Practical teaching and experience shall consist of the required number of hours in the care of medical, surgical, obstetrical patients and sick children, as may be determined by the board. Schools maintaining a course of instruction in addition to the twenty-eight months course as herein provided must be connected with a hospital or hospitals approved by the board, having a daily average of not less than one hundred patients, and shall provide, for such additional course, theoretical and practical teaching in such subjects and arranged in such order of instruction as the board may determine.

Qualifications of applicants.

Accredited school of nursing defined.

SEC. 4. A new section is hereby added to said act approved June 12, 1913, as amended to be numbered five and one-half and to read as follows:

Renewal
fee.

Sec. 5 $\frac{1}{2}$. On or after January first of each year, each registered nurse shall renew his or her certificate and pay the required renewal fee of one dollar (\$1.00). Every certificate that is not renewed will expire on the first day of March of each year and may not be renewed except upon the payment of lapsed fee.

Stats. 1913,
p. 611,
amended.

SEC. 5. Section six of said act approved June 12, 1913, as amended is hereby amended to read as follows:

Nursing by
friend, not
affected.

Sec. 6. This act shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family, or to any person nursing the sick for hire who does not in any way assume to be, or practice as, a registered nurse.

Stats. 1913,
p. 614,
amended.

SEC. 6. Section eight of said act approved June 12, 1913, as amended is hereby amended to read as follows:

Nurses from
other
states.

Sec. 8. The board upon written application, and upon the receipt of fifteen dollars (\$15.00) as registration fee, shall issue a certificate of registration without examination to any applicant who has been duly registered as a registered nurse under the laws of another state or foreign country, provided the applicant meets the requirements for certification as provided for in this act.

Stats. 1913,
p. 601,
amended.

SEC. 7. Section eleven of said act approved June 12, 1913, as amended is hereby amended to read as follows:

Monthly
financial
report.

Sec. 11. Within ten days after the beginning of each month the secretary of the state board of health shall report to the controller the amount and source of all collections made under the provisions of this act, and at the same time all such amounts shall be paid into the state treasury and shall be placed to the credit of the special fund to be known as the fund for examination and registration of nurses; *provided*, that whenever and as often as there is in the state treasury to the credit of the fund for the examination and registration of nurses, funds in excess of ten thousand dollars the same to be invested by the state board of control in the same manner that the funds of the state school land fund are invested and the interest upon such investment when collected shall be placed to the credit of the fund for the examination and registration of nurses. All amounts paid into this fund shall be held subject to the order of the state board of health, to be used only for the purpose of meeting necessary expenses in the performance of the purposes of and the duties imposed by this act. Claims against the fund shall be audited by the state board of health and by the board of control and shall be paid by the state treasurer upon warrants drawn by the state controller.

In effect
when

SEC. 8. This amendment to section four of said act approved June 2, 1913, shall take effect June thirtieth, nineteen hundred twenty-three, and the remaining provisions hereof shall take effect ninety days after the final adjournment of the forty-fourth session of the legislature.

Repealed.

SEC. 9. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 583.

An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the state and providing penalties for violation of the provisions hereof.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Words and phrases when used in this act shall, ^{Definitions.} unless such construction be inconsistent with the context, be construed as follows:

1. The word "association" means and includes any person and any committee, firm, association, public or private corporation or other group of persons, whether incorporated or not, that collects, raises or receives moneys, or receives promises of money aggregating from all sources a sum in excess of one thousand dollars for the payment of expenses in a campaign to influence the action of the electors for or against the adoption of any initiative or referendum measure, proposed constitutional amendment, bond act or any other proposition voted upon by the electors of the state at an election held throughout the state. ^{"Association"}

2. The word "expenses" means and includes the cost of holding and conducting public meetings, of printing and circulating specimen ballots, handbills, cards, and other papers previous to an election and of advertising, postage, expressage, telegraphing, telephoning and all salaries and expenses of lecturers, solicitors and agents and salaries and expenses of all persons employed in transacting business at headquarters or branch offices and expenses of maintaining the same, and for the renting of rooms for the transaction of the business of an association. ^{"Expenses."}

3. The word "treasurer" means and includes the treasurer, manager, secretary, agent, board of trustees, board of directors or other person or persons, who is or are in fact charged with the work, duty, or responsibility of collecting, managing or expending the funds of an association. ^{"Treasurer."}

SEC. 2. Not more than ten days nor less than five days prior to an election every association shall file in the office of the secretary of state an itemized, detailed and verified statement of receipts and expenses showing: ^{Statement of receipts and expenses.}

1. The name and address of each person, firm or corporation that has contributed, promised, loaned or advanced to such association or for its use directly or indirectly any money or the equivalent of money aggregating in value the sum of twenty-five dollars and the amount or sum contributed, promised, loaned or advanced by each.

2. The total sum contributed, promised, loaned or advanced to such association or for its use directly or indirectly in amounts of less than twenty-five dollars.

3. The total sum contributed, promised, loaned or advanced to such association or for its use directly or indirectly from all sources regardless of the amount of single or individual contributions.

4. The name and address of each person, firm or corporation to whom or which such association has contributed, disbursed, distributed, loaned, advanced, or promised any sum of money or the equivalent of money in the amount of ten dollars or more and the amount so contributed, disbursed, distributed, loaned, advanced or promised in each instance.

5. The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any person, firm or corporation in amounts of less than ten dollars each.

6. The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any and all persons for any and all expenses whatsoever.

Statement after election.

SEC. 3. Within twenty days next succeeding the date of the election each association must file in the office of the secretary of state an itemized, detailed, verified statement showing as of the date of said subsequent filing, all of the matters required by section two hereof; *provided, however*, if an association has complied with all the requirements of section two hereof the subsequent statement required by this section need only show and include matters and information not included in the previous statement.

Statements open to public inspection.

SEC. 4. The secretary of state, upon the filing of the statement required by section two hereof, shall forthwith transmit a copy thereof to the county clerks of Los Angeles county and the city and county of San Francisco, and furnish like copies to any other county clerk on demand. Such copies furnished to such county clerks shall be kept on file and shall be open to public inspection.

Penalty.

SEC. 5. Every association, as in this act defined, whether an individual or group of persons, incorporated or unincorporated, and each treasurer, managing or disbursing officer or agent thereof that violates any of the provisions hereof shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars, one-half thereof to be paid to the informer and one-half to be paid into the county treasury.

Civil action by citizen.

SEC. 6. In addition to the penalty hereinabove prescribed, each association, whether an individual or a group of persons, incorporated or unincorporated, and each treasurer, managing or disbursing officer or agent thereof that violates any of the provisions hereof shall be liable to a penalty of one thousand dollars to be recovered in a civil action brought by any citizen of the state; *provided, however*, that not more than one such civil penalty may be recovered for a single offense. No statute of limitations shall apply to the bringing of an action under this section.

CHAPTER 584.

An act to amend section four thousand two hundred eighty of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the fifty-first class and fixing the mileage and per diem of grand and trial jurors in such counties.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred eighty of the Political Code is hereby amended to read as follows:

4280. In counties of the fifty-first class the county officers shall receive, as compensation, for the services required of them by law or by virtue of their office, the following salaries, to wit: Counties of 51st class, salaries of officers.

1. County clerk. The county clerk, one thousand eight hundred dollars per annum and such fees as he may be by law allowed to retain; *and provided*, that in any year when a new register of voters is required by law said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters, each of said deputies to receive the sum of ten cents per name for each elector registered by him whose name appears on the great register at the November election. Said sum to be paid out of the general county fund, on the presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by the county clerk. County clerk.

2. Sheriff. The sheriff, two thousand four hundred dollars per annum, and the fees or commissions for the services of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county and said sheriff may after the expiration of the terms of the present constables in said county, appoint five deputy sheriffs, which offices are hereby created, each of whom shall receive a salary of three hundred dollars per annum. The deputies herein provided for shall be paid at the same time, and in the same manner and out of the same fund as the sheriff is paid. Sheriff.

3. Recorder. The recorder, one thousand six hundred dollars per annum; *provided*, that when the amount of fees collected by said recorder in any month shall exceed the sum of one hundred dollars, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of one hundred dollars collected by him in such month. Recorder.

4. Auditor. The auditor, one thousand five hundred dollars per annum; *provided*, that the provisions herein contained for the salary of the auditor shall apply to the incumbent. Auditor.

Treasurer. 5. Treasurer. The treasurer, nine hundred dollars per annum and the fees or commissions now or hereafter allowed by law.

Tax collector. 6. Tax collector. The tax collector, six hundred dollars per annum, which shall be in full for all services as tax collector and license collector.

Assessor. 7. Assessor. The assessor, one thousand eight hundred dollars per annum; *provided*, that the board of supervisors shall allow the traveling expenses of the assessor and his deputies, necessarily incurred in the performance of the duties of said office, not to exceed the sum of three hundred dollars per year, to be allowed and paid as other claims against the county are allowed and paid; *provided, further*, that the provisions herein contained for the expenses of the assessor shall apply to the incumbent.

District attorney. 8. District attorney. The district attorney, one thousand five hundred dollars per annum.

Coroner. 9. Coroner. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator. 10. Public administrator. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools. 11. Superintendent of schools. The superintendent of schools, one thousand five hundred dollars per annum, to be in full compensation for all services rendered, including his traveling expenses while visiting schools, and his services as member of and secretary of the board of education; *provided*, that the provisions herein contained for the salary of the superintendent of schools shall apply to the incumbent.

Surveyor. 12. Surveyor. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of the peace. 13. Justices of peace. Population of townships. In counties of this class the justices of the peace shall receive the following compensation, to wit: In townships having a population of five thousand five hundred and more, the sum of three hundred dollars per annum.

(b) In townships having a population of one thousand or over, the sum of three hundred dollars per annum, payable monthly.

(c) In townships having a population of less than one thousand the sum of two hundred forty dollars per annum, payable monthly; *provided*, that in case of the county having but one township, the justice of the peace therein shall receive a salary of one thousand dollars, and may sit in all matters pertaining to his office or jurisdiction in the several localities of said township, according as public convenience may require.

The above named salary shall be in full compensation for all services of said justices of the peace in criminal and civil cases, and when acting as coroner said justices of the peace shall be allowed and paid actual expenses, which expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. The above compensation

shall be in lieu of all other fees received for services and said fees shall be accounted for to the auditor and paid into the county treasury.

The salary of the justices of the peace as herein provided for shall be paid in the same manner, at the same time, and out of the same fund as county officers are paid.

For the purpose of this subdivision the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. one thousand nine hundred twenty.

14. Constables. Constables, the sum of three hundred dollars per annum, which shall be paid, in the manner and at the same time and out of the same funds as county officers are now paid. The above compensation shall be in lieu of all other fees received for services, and said fees shall be accounted for to the auditor and paid into the county treasury; *provided*, the provisions hereof and herein contained shall apply to the present incumbent. Said salaries to cease at the end of the terms of the present incumbents. Constables.

15. Supervisors. Each member of the board of supervisors, five dollars a day when the board is in session, and ten cents a mile, in going only, for traveling from his residence to the county seat, and when serving as road commissioner three dollars per day, and actual and necessary expenses; *provided*, he shall not in any one year receive more than three hundred fifty dollars as supervisor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses. Supervisors.

16. Board of education. Each member of the board of education excepting the superintendent of schools shall receive five dollars per day as compensation for his services when in actual attendance upon said board and mileage at the rate of ten cents per mile, one way, only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as the claims against the county are allowed. The compensation of the members of the board of education herein provided for, is not in addition to that provided in section one thousand seven hundred seventy of this code. Board of education.

17. Jurors. In counties of this class, for attending as a grand juror or as a trial juror in a criminal case in the superior court, for each day's attendance, the fee allowed by law. Such juror shall receive his actual and necessary expense in attending as a juror as shall be determined by the court. Jurors.

18. Witnesses. In counties of this class witnesses shall be allowed for each day's actual attendance, when legally required to attend upon the superior court in criminal cases, the fee allowed by law and his actual and necessary expenses as shall be determined by the court. Witnesses.

Intent of
act.

19. Intent of act. The legislature hereby declares that the provisions of this act are not intended to and do not increase or diminish the compensation of the officers herein mentioned, but are intended to change the same to a fixed salary basis wherever a salary is provided for compensation of such officers.

Time in
effect.

20. Time in effect. The provisions of this act shall take effect ninety days after the final adjournment of the session of the legislature which passed this act and said provisions shall be in force and apply to the present incumbent.

CHAPTER 585.

An act to amend section one thousand seven hundred twenty-four of the Code of Civil Procedure, relating to the establishing of identity of heirs.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred twenty-four of the Code of Civil Procedure is hereby amended to read as follows:

Establish-
ment of
identity
of heirs.

1724. In every case where title to real or personal property, or any interest therein, shall have vested or may hereafter become vested, other than by the laws of succession, in the heirs, heirs of the body, issue, or children of any person, without other description or means of identification of the persons embraced in such description, any person interested in such property as such heir, heir of the body, issue or child, or the successor in interest of any such heir, heir of the body, issue, or child, or the legal representatives of any of such persons or of their said successors in interest, may file a verified petition in the superior court of the State of California in and for the county wherein said property or any part thereof is situate, setting forth briefly the derangement of title of petitioner, a description of the property affected, and the names, ages and residences if known, of the heirs, heirs of the body, issue or children whose identity is sought to be determined (or if any of the same is dead or if the residence of any of the same is unknown, such facts shall be stated) and a request that a decree be entered in said court determining and establishing the identity of the persons embraced in such general description.

Notice of the time and place for the hearing of said petition must be given by the clerk by posting notices thereof in three or more public places in said county at least ten days prior to the date fixed by the clerk for said hearing.

At any time before the date fixed for such hearing any person interested in said property may answer said petition and deny any of the matters contained therein.

At the time fixed for such hearing or such time thereafter as may be fixed by the court, the court must hear the proofs offered by the petitioner, and of any person answering the same and must make a decree conformable to the proofs. Such decree shall have the same force and effect as decrees entered in accordance with the provisions of part three, title eleven of this code.

CHAPTER 586.

An act to amend section four thousand two hundred thirty-four of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifth class.

[Approved May 21, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred thirty-four of the Political Code, is hereby amended to read as follows:

4234. In counties of the fifth class the county and township officers shall receive the following salaries:

1. The county clerk, four thousand twenty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one chief deputy who shall receive a salary of two thousand seven hundred dollars per annum; one deputy county clerk who shall be the registrar of voters who shall receive two thousand two hundred eighty dollars per annum; one deputy who shall be assistant registrar of voters who shall receive one thousand six hundred twenty dollars per annum; four court clerks who shall receive salaries of two thousand one hundred dollars per annum; one index clerk who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; one copyist who shall receive a salary of one thousand five hundred dollars per annum; and a deputy or deputies not to exceed five, for the purpose of registering electors, to be paid not to exceed five dollars per diem each; *provided*, that such deputies shall not be employed except during a year when a general election is to be held throughout the state, and not more than one deputy for each precinct for the purpose of registering electors during said year of the general election, who shall be paid ten cents per name for each person legally registered by them; the salaries and compensation of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as the other county officials are paid.

Counties of
5th class,
salaries of
officers,
County
clerk.

Sheriff.

2. The sheriff, four thousand twenty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; and the following deputies and employees: One deputy who shall be head jailer, and who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum; two deputies who shall receive salaries of two thousand one hundred dollars each per annum; four deputies who shall receive salaries of one thousand eight hundred dollars each per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; one bookkeeper who shall receive a salary of one thousand eight hundred dollars per annum; six deputies who shall be turnkeys at the jail whose salaries shall be one thousand six hundred twenty dollars each per annum, but no more turnkeys are to be employed than are absolutely necessary to handle the requirements of the jail; such country deputies as may be necessary to properly administer the duties of said office at a compensation not to exceed six dollars and fifty cents per diem, but not more than three thousand six hundred dollars shall be paid to all such deputies in any one year; in counties of this class there shall be a matron of the county jail, and at the discretion of the sheriff an assistant matron, each to be appointed by the sheriff and who, under the direction of the sheriff, shall have charge of female prisoners in the county jail, and who shall receive salaries of one thousand five hundred dollars per annum and three hundred dollars per annum, respectively, to be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund, as is the salary of the sheriff. In counties of this class the sheriff shall receive for his own use the fees, mileage and compensations provided by statute, and he shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals or for transacting business, and paid as other county charges are paid.

Recorder.

3. The recorder, four thousand twenty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county, and shall be paid as follows: One chief deputy who shall receive two thousand four hundred dollars per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; three deputies who shall receive salaries of one thousand eight hundred dollars each per annum; one deputy who shall receive a salary of one thousand two hundred dollars per annum; and as many copyists as may be required, who shall receive as compensation the sum of seven cents per folio for recording all instruments or notices except maps and plats, and for copies of any records, seven cents per folio.

4. The auditor, four thousand twenty dollars per annum; ^{Auditor.} *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy who shall receive a salary of two thousand seven hundred dollars per annum; two deputies who shall receive salaries of two thousand one hundred dollars each per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand six hundred eighty dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; and five additional deputies at a salary of five dollars per day each, for each day employed for a period not to exceed one hundred fifty-six days in any one year; *provided, further*, that in counties of this class for bringing records down to date in any office, when the work of said office has not been brought down to date, and was in such condition when the present incumbent was inducted into office, the board of supervisors may authorize said incumbent to perform the labors that should have been performed by his predecessors in office and for that purpose may authorize said incumbent to employ special clerical help, at a compensation to be fixed by the board of supervisors, at so much per diem; *provided*, that the provisions herein shall apply only to work that should have been done by the incumbent's predecessor in office.

5. The treasurer, four thousand twenty dollars per annum; ^{Treasurer.} *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one deputy who shall receive a salary of two thousand seven hundred dollars per annum; and one deputy who shall receive a salary of two thousand one hundred dollars per annum.

6. The tax collector, four thousand twenty dollars per ^{Tax collector.} annum; one chief deputy who shall receive a salary of two thousand seven hundred dollars per annum; three deputies who shall receive salaries of two thousand one hundred dollars each per annum; two deputies who shall receive salaries of one thousand eight hundred dollars each per annum; a stenographer who shall receive a salary of one thousand five hundred dollars per annum; one deputy for a period not to exceed six months in any one calendar year, who shall receive a salary of one hundred thirty-five dollars per month; fifteen additional clerks at a salary of five dollars per day each, for each day employed, for a period not to exceed one hundred fifty-six days in any one year.

7. The assessor, four thousand twenty dollars per annum; ^{Assessor.} *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor one chief deputy who shall receive a salary of two thousand seven hundred dollars per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; two deputies who shall receive salaries of one thousand eight hundred dollars each per annum; two deputies who shall receive salaries of one thousand six hundred twenty dollars each, per annum; two

deputies for a period not exceeding six months in any one year at salaries of one hundred fifty dollars per month each; one deputy for a period not exceeding five months in any one year at a salary of one hundred fifty dollars per month; two deputies for a period not exceeding four months in any one year at salaries of one hundred dollars each, per month; six deputies for a period not exceeding one hundred four days each in any one year, whose per diem shall be five dollars each when actually employed. *It is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall the assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred one of the Political Code. *It is further provided*, that in counties of this class, in addition to the deputies already allowed, there shall be and is hereby allowed to the assessor, twenty-six deputies who shall receive salaries of five dollars per day each, for a period not exceeding seventy-eight days in any one year. *It is further provided*, that in counties of this class the assessor shall be allowed his travelling expenses in performing duties outside his office, said expenses, however, not to exceed more than one hundred fifty dollars in any one year.

District
attorney.

8. The district attorney, five thousand dollars per annum; also one assistant district attorney, who shall receive a salary of three thousand six hundred dollars per annum; two deputy district attorneys who shall receive salaries of three thousand dollars each, per annum; one deputy district attorney who shall receive a salary of two thousand seven hundred dollars per annum; one deputy district attorney who shall receive a salary of two thousand four hundred dollars per annum; one stenographer who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; and a detective who shall receive a salary of two thousand one hundred dollars per annum.

Superintend-
ent of
schools.

9. The superintendent of public schools, four thousand twenty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the superintendent of public schools, one assistant superintendent who shall receive a salary of two thousand four hundred dollars per annum; and one bookkeeper who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; one field assistant who shall receive two thousand four hundred dollars per annum; and one field deputy who shall receive a salary of one thousand eight hundred dollars per annum. *It is further provided*, that in counties of this class, the county school superintendent, his field assistant, and his field deputy shall receive their actual and necessary travelling expenses for visiting and examining schools and school properties of the county and in performing such other

duties as are incident to the full discharge of the requirements of the office of superintendent of schools, office of field assistant to the superintendent of schools, and the office of field deputy of the superintendent of schools, the claims for such expenses to be subject to the approval of the board of supervisors.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The coroner, two thousand four hundred dollars per annum, and in addition thereto the board of supervisors shall allow the coroner his actual travelling expenses and fifteen cents for each mile travelled by him when he provides his conveyance in the performance of his official duties. In counties of this class there shall be and there is hereby allowed the coroner, one autopsy surgeon, who shall receive a salary of one thousand five hundred dollars per annum, and fifteen cents for each mile travelled when he provides his own conveyance in the performance of his official duties. The sheriff shall act as summoning officer for the coroner and shall serve all processes requested by him. Coroner.

12. The surveyor, four thousand twenty dollars per annum; also one chief deputy who shall receive a salary of two thousand seven hundred dollars per annum; one deputy who shall receive a salary of two thousand four hundred dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand five hundred dollars per annum; one file clerk and stenographer who shall receive a salary of one thousand five hundred dollars per annum; and such other assistants as may be necessary for field work, who shall receive a compensation of five dollars per diem and expenses when working in the field; *provided*, that in counties of this class the surveyor shall be allowed his actual travelling expenses in performing duties outside of his office. Surveyor.

13. For the purpose of regulating the compensation of the justices of the peace and constables, townships in counties of this class are hereby classified as follows: Townships having a population of thirty thousand or more shall belong to and be known as townships of the first class; townships having a population less than thirty thousand shall belong to and be known as townships of the second class. Classification of townships.

14. In counties of this class, justices of the peace shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz: Justices of the peace.

In townships of the first class, three thousand six hundred dollars per annum each.

In townships of the second class, seven hundred twenty dollars per annum.

Such salaries shall be as full compensation for all services rendered by them in both civil and criminal cases. All fees chargeable and collectible by justices of the peace in civil and

criminal cases for service rendered by them shall be paid monthly into the county treasury.

In townships of the first class the board of supervisors of counties of this class shall furnish the justices of the peace suitable courtrooms.

In townships of the first class, in counties of this class, there shall be two justices of the peace and the said offices are hereby created. In all other townships in counties of this class there shall be one justice of the peace; *provided*, that in townships of the first class, in counties of this class, the justices of the peace shall each be allowed a clerk who shall receive as his compensation a salary of one thousand five hundred dollars per annum.

Constables.

15. In counties of this class constables shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz:

In townships of the first class in all criminal cases, in lieu of fees now allowed by law, one thousand eight hundred dollars per annum.

In townships of the second class in all criminal cases, in lieu of fees now allowed by law, seven hundred twenty dollars per annum.

In all townships in counties of this class the constables shall be allowed in addition to the compensation above set forth all fees in civil cases as are now or may hereafter be allowed by law, and actual travelling expenses only in lieu of mileage for taking prisoners to the county jail.

In townships of the first class, in counties of this class, the board of supervisors shall furnish the constables' offices with necessary and proper furniture for each of said constables.

Supervisors.

16. Each member of the board of supervisors, three thousand dollars per annum and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. This shall cover all his services as supervisor and road commissioner; *provided*, that in counties of this class each member of the board of supervisors shall be allowed his actual expenses in the performance of his official duties, the said expenses, however, for each member of the board not to exceed the sum of five hundred dollars in any one year.

Deputies,
etc.

17. The deputies, clerks, copyists and employes mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies, clerks, copyists and employes shall be paid by the counties of this class in monthly installments, at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid.

Constitution-
ality.

18. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause,

and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 587.

An act amending section eight of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act." approved June 2, 1913, as amended, relating to certificates licensing the practice of medicine, drugless healing, and chiropody.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section eight of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act." approved June 2, 1913, as amended, is hereby amended to read as follows: Stats. 1917,
p. 96,
amended

Sec. 8. Four forms of certificates shall be issued by said board under the seal thereof and signed by the president and secretary; first a certificate authorizing the holder thereof to use drugs or what are known as medical preparations in or upon human beings and to sever or penetrate the tissues of Forms of certificates.

human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions, which certificate shall be designated "physician and surgeon certificate"; second, a certificate authorizing the holder thereof to treat diseases, injuries, deformities or other physical or mental conditions without the use of drugs or what are known as medical preparations and without in any manner severing or penetrating any of the tissues of human beings except the severing of the umbilical cord, which certificate shall be designated "drugless practitioner's certificate"; third, a certificate authorizing the holder thereof to practice chiropody; for the purpose of this act chiropody shall be held to be the medical, mechanical or surgical treatment of the human feet.

Physician's
and
surgeon's
certificate.

Drugless
practitioner's
certificate.

Chiropody
certificate.

Medical
treatment
defined.

Mechanical
treatment
defined.

Surgical
treatment
defined.

(a) Medical treatment shall be held to be the local application or recommendation of any therapeutic agent or remedy for the relief of foot ailments.

(b) Mechanical treatment shall be held to be the employment of any forcible means for the correction of any deformity of the foot or feet and shall not permit the treatment of fractures of the bones of the foot or feet or the application of splints or casts; *provided, however,* that mechanical treatment shall not include or prohibit the manufacture, the recommendation or sale of either corrective shoes or appliances for human feet.

(c) Surgical treatment shall be held to mean the surgical treatment of abnormal nails, corns, callosities, bunions, and other minor foot ailments, not involving the bony structure, and does not confer the right of amputation of toes or joints thereof except as hereinbefore specified, or any portion of the foot or the severing of any tendon, or the use of anaesthetic other than local; fourth, a certificate to practice midwifery, which shall be in the form designated by the board and in conformity with this act. Such certificate shall entitle the holder thereof to attend cases of childbirth. As used in this act, the practice of midwifery means the furthering or undertaking by any person to assist a woman in normal childbirth, but does not include at any childbirth the use of any instrument, except such instrument as is necessary in severing the umbilical cord, nor the assisting of childbirth by any artificial, forcible or mechanical means, nor the performance of any version, nor the removal of adherent placenta, nor the administering, prescribing, advising or employing in childbirth of any drug, other than a disinfectant or cathartic. The provisions hereof shall not authorize any midwife to practice medicine and surgery. A "reciprocity certificate" shall also be issued under the provisions hereinafter specified. Any of these certificates on being recorded in the office of the county clerk, as hereinafter provided, shall constitute the holder thereof a duly licensed practitioner in accordance with the provisions of his certificate.

CHAPTER 588.

An act to add a new section to be numbered section nineteen x six to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x six and to read as follows:

Counties of
6th class,
salaries of
probation
officers.

1916. In counties of the sixth class there shall be one probation officer, one assistant probation officer, and one deputy probation officer who shall act as probation officer's clerk. The salaries of said officers shall be as follows: Probation officers, two hundred dollars per month; assistant probation officer, one hundred fifty dollars per month; and one assistant probation officer, one hundred twenty-five dollars per month.

CHAPTER 589.

An act to amend section one of an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended, and repealing all acts or parts of acts in conflict herewith.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p. 723,
amended

SECTION 1. Section one of an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended, is hereby amended to read as follows:

Public
weigh-
master.

Section 1. All persons, firms, corporations, copartners or individuals engaged in the business of public weighing for hire, or any person, firm or corporation, who shall weigh or measure any commodity, produce, or article, and issue therefor a weight certificate which shall be accepted as the accurate weight upon which the purchase or sale of such commodity, produce or article, is based, shall be known as a public weighmaster, and shall file a bond with the state superintendent of weights and measures in the sum of one thousand dollars for the faithful performance of his duties, and shall obtain from the state superintendent of weights and measures a seal for the stamping of weight certificates hereinafter provided for, which shall only be in such form as such superintendent may prescribe.

Seals.

(a) The said seals shall be the property of the state and shall be forfeited and returned to the state superintendent of weights and measures upon termination of the performance of the duties herein prescribed as being the duties of a public weighmaster. Such seal shall be of a form and design prescribed by the state superintendent and furnished by him at the expense of the weighmaster. Said seal shall be a recognized authority of accuracy when applied to weight certificates.

Repealed.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 590.

An act to amend sections ninety and ninety-one of the California irrigation district act, relating to the inclusion of land in irrigation districts.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section ninety of the California irrigation district act is hereby amended so as to read as follows:

Sec. 90. If the board of directors deem it for the best interest of the district that the boundaries of the district be changed as proposed and if no protest against such change is made as provided in section ninety-one of this act, or if such protest be made and enough signatures be withdrawn therefrom so that said protest is no longer sufficient, the board shall order that the boundaries of the district be changed so as to include therein the lands described in said petition, or such portion thereof as the board shall find will be benefited by such inclusion. The order shall describe the boundaries as changed and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundaries as is deemed necessary; *provided, however*, that any public land of the United States of America adjoining the boundaries of any irrigation district may be included within the boundaries of any such irrigation district by order or resolution of the board of directors of such district without any petition being filed asking for such inclusion; *and provided, further*, that when additional land is included within any irrigation district and the board of directors of such district finds either that such inclusion without condition would work an injury to the land already in the district, either by an impairment of water rights or by requiring a greater expense for furnishing water to the lands proposed to be included, the board may prescribe conditions upon such inclusion of land, either by providing for priority of right to water or for the payment of an additional annual charge, or such other conditions as may to the board seem just. If such inclusion is upon petition of property owners, all such property owners shall sign and acknowledge an agreement with the district, specifying such conditions and describing the land so to be included. Such agreement must be recorded in the office of the county recorder of the county in which such lands are situated, together with a certified copy of the order including such lands, and thereupon such lands shall become a part of such irrigation district subject to such conditions.

Stats. 1915,
p. 1370,
amended.

Inclusion
of land
in district.

Stats. 1915,
p. 1371.
amended.
Protest
against
inclusion.

SEC. 2. Section ninety-one of said act is hereby amended so as to read as follows:

Sec. 91. If a protest against the inclusion of such lands, signed by not less than three per cent of the holders of title or evidence of title to lands within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said district, shall have been presented to the board of directors and upon the hearing of said matter said protest shall not be withdrawn, or after the withdrawal therefrom of any signatures it shall still be signed by not less than three per cent of the holders of title or evidence of title to lands within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said district, or if the board of directors deem it not for the best interests of the district to include therein the lands described in said petition for inclusion, or any of them, the board shall adopt a resolution stating the facts and describing the boundary of the tract of land proposed to be included in the district; but before calling the election provided for in the next section, the board may require an undertaking, with sufficient sureties, from the petitioners for the inclusion of said land conditioned that the petitioners or the sureties will pay all the costs of holding such election in case such inclusion shall be denied.

CHAPTER 591.

An act to add a new section to be numbered section nineteen x thirty-four to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years: and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts

of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith" approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen & thirty-four to read as follows:

Sec. 19&34. In counties of the thirty-fourth class there shall be one probation officer whose salary shall be one hundred fifty dollars per month, he shall maintain an office in the court house at the county seat.

Counties
of 34th
class,
salary of
probation
officer.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 592.

An act to amend section four of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended, by providing that the governing body of the city, city and county, or county, may require either the dedication or conveyance to the political subdivision of a right-of-way for storm drain purposes where the tract of land shown upon the map is traversed by a natural water course or channel.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p 725,
amended.

SECTION. 1. Section four of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended, is hereby amended to read as follows:

Approval
of map.

Sec. 4. The map or plat so made, indorsed and acknowledged shall be submitted to the governing body of the city, city and county, or county having control of public highways in the territory shown on such map or plat, for the approval of such governing body before such map or plat is filed for record in the recorder's office; *provided*, that said map or plat shall not be accepted or approved by such governing body unless the same is accompanied by a certificate of the county surveyor and county assessor, if such tract or subdivision of land lies in unincorporated territory, or city engineer, if such there be, and the city assessor of any incorporated city or town, in which the whole or any part of such tract or subdivision of land is situated, showing that each and every lot and block therein has been carefully examined as to its value for residence or commercial uses with their suggestions and recommendations to such governing body; *and provided, further*, that whenever such tract or subdivision of land lies within an incorporated city or town, the map or plat thereof shall first be submitted by the governing body thereof to the city planning commission, if such there be, of such city or town, or, if there be no city planning commission, to the city engineer, if such there be. Said city planning commission, or city engineer, shall report thereon to the governing body within ten days after receipt of said map or plat. If such tract or subdivision of land is in unincorporated territory but within three miles from the exterior boundaries of any city, or town,

Certificate
showing
examina-
tions.

the map or plat thereof shall first be submitted by the county board of supervisors to the city planning commission, if such there be, or to such city engineer as above provided of the city or town lying nearest to such tract or subdivision of land, whereupon such commission shall make an examination of such map or plat and submit a report thereon with its suggestions and recommendations to the governing body of the municipality. Said governing body shall thereupon submit a report thereon, with its suggestions and recommendations to the said county board of supervisors. Such governing body after considering the report of the city planning commission, or the city engineer, as the case may be, and said county board of supervisors, after considering the report of said governing body, shall approve or disapprove such map or plat within thirty days after the same is submitted to it as above provided. In the event of the failure, refusal or neglect of said city planning commission, or city engineer to so report within said ten days to the said governing body it shall then be the duty of said commission or city engineer to forthwith transmit said map or plat to said governing body for its action thereon. In the event of the failure, refusal or neglect of said governing body to so report to said county board of supervisors within twenty days after said county board has so filed said map or plat with said city planning commission, or city engineer, it shall then be the duty of said governing body to forthwith transmit said map or plat to said county board of supervisors for its action thereon. If approved, the said governing body or board of supervisors shall indorse, or cause to be indorsed, on said map, or plat its approval of the same. Without such approval the said map or plat shall not be filed for record or be recorded. Such governing body may require the public highways, if any, offered for dedication by said map or plat and the parcel or parcels of land, if any, therein reserved or indicated for highway or right of way purposes, and not offered for dedication to public use, to be as wide as and to conform, as near as practicable, to the adjoining, surrounding or neighboring streets or highways of said city, city and county, or county. If such map or plat offers for dedication any highways said governing body or board of supervisors shall indorse thereon which of the highways so offered for dedication are accepted on behalf of the public, and thereupon such highways which have been so accepted, and no others, shall be and become dedicated to the public use.

Highways
to conform
to those
surrounding.

In the event that the tract of land shown upon the map or plat is traversed by any natural water course or channel, such governing body may require as a condition precedent to the approval of such map or plat, either the dedication to public use of an easement or a conveyance to the political subdivision of a right of way for storm drain purposes to conform substantially with the lines of such natural water course or channel.

CHAPTER 593.

An act to amend section fifty-seven of the California irrigation district act, relating to compensation of officers.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats 1915,
p. 1368,
amended.
Compensa-
tion of
officers.

SECTION 1. Section fifty-seven of the California irrigation district act is hereby amended so as to read as follows:

Sec. 57. The directors, when sitting as a board or acting under the orders of the board, shall each receive not to exceed six dollars per day and fifteen cents per mile for each mile actually traveled from his place of residence to the office of the board, and actual and necessary expenses paid while engaged in official business under the order of the board; *provided*, that in irrigation districts containing five hundred thousand acres or more the directors, in lieu of said per diem, shall each receive a salary of one hundred fifty dollars per month. The board shall fix the compensation to be paid to all officers named in this act, to be paid out of the treasury of the district; *provided*, that said board shall, upon the petition of at least fifty freeholders within such district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder, which may include the salary or per diem to be paid to the directors. Such petition must be presented to the board not less than twenty days, nor more than forty days, prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act.

CHAPTER 594.

An act to provide for the sale and conveyance of certain lands within the abandoned river channels of the San Joaquin river lying in the county of San Joaquin, State of California.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Sale of
land in
abandoned
channel of
San Joaquin
river
authorized.

SECTION 1. The state board of control is hereby authorized and empowered to sell and dispose of, upon such conditions as to price and terms of sale as a majority of its members may deem to be most advantageous to the state, those certain lots, pieces and parcels of land within the abandoned river channels of the San Joaquin river and its tributaries lying and being within the county of San Joaquin, State of California, and more particularly described as follows:

Parcel "A." That portion of the old river channel lying in section six, township one north, range six east, Mount Diablo base and meridian. Description.

Being that portion of the old channel of the San Joaquin river lying between the intersection of the Calaveras river with the old channel of the San Joaquin river and the intersection of the new channel or cutoff with the old channel of the San Joaquin river.

Parcel "B." Lying in section six, township one north, range six east, Mount Diablo base and meridian.

Being all that portion of the old channel of the San Joaquin river lying northerly of that portion of the new channel of the San Joaquin river known as "Devils elbow cutoff."

Parcel "C." Lying in section five and eight, township one north, range six east Mount Diablo base and meridian.

Being all that portion of the old channel of the San Joaquin river known as the "Frenchman and Dutchman cutoff" lying between the intersection of Smith's canal with the old channel of the San Joaquin river and the intersection of that portion of the new channel known as "Lindley cutoff" with the old channel of the San Joaquin river.

Parcel "D." Lying in sections five and eight, township one north, range six east, Mount Diablo base and meridian.

Being that portion of the old channel of the San Joaquin river lying between old river channel cutoff known as "Frenchman and Dutchman cutoff," and Smith's canal.

Parcel "E." Lying in section eight, township one north, range six east, Mount Diablo base and meridian.

Being all that portion of the old channel of the San Joaquin river lying between the old river channel cutoff known as "Frenchman and Dutchman cutoff" and that portion of the new channel of the San Joaquin river known as "Lindley cutoff."

Parcel "F." Lying in section eight, township one north, range six east. Mount Diablo base and meridian.

Being all that portion of the old channel of the San Joaquin river lying southerly from and adjacent to that portion of the new channel of the San Joaquin river known as "Lindley cutoff."

Parcel "G." Lying in section six, township one north, range six east, Mount Diablo base and meridian.

Being all that portion of the old channel of the San Joaquin river lying between that portion of the new channel of the San Joaquin river known as cutoff "C" and the old channel of the San Joaquin river.

Parcel "H." Lying in section one, township one north, range five east, and section six, township one north, range six east, Mount Diablo base and meridian.

Being all that portion of the old channel of the San Joaquin river lying between that portion of the new channel of the San Joaquin river, known as "cutoff C," and "Burns cutoff."

Preferred
purchaser.

SEC. 2. The city of Stockton and the remaining owners of lands abutting upon said parcels shall be preferred purchasers for a period of sixty days following the date upon which the board of control shall give notice by publication in one or more newspapers of general circulation published in said county that it has determined the prices, and conditions of sale of said parcels, such publication to be made for not less than five consecutive days. The center line of the abandoned channel shall, in each case, constitute the boundary line between the purchasers of parcels situate upon opposite sides thereof. In the event any of said parcels shall remain unsold at the end of said sixty day period, the board of control shall thereupon proceed to offer the same for sale, and to sell the same, after giving notice of such sale, at public auction, to the highest bidder, for cash, in the manner prescribed by section one thousand two hundred seventy-four of the Code of Civil Procedure; *provided*, that no bid which is less than the sum determined by the board of control to be the value of the tract for which it is offered shall be accepted. The governor is hereby authorized to execute in behalf of the state such deeds or other conveyances as may be necessary to pass title to the purchasers of such tracts, and, upon notice from the board of control that full payment of the purchase price has been made, to deliver such deeds or other conveyances to the persons entitled thereto.

CHAPTER 595.

An act to amend section one thousand six hundred twenty-two of the Political Code, relating to the expenditure of state and county school funds.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand six hundred twenty-two of the Political Code is hereby amended to read as follows:

Expenditure
of state
and
county
school
funds.

1622. Boards of school trustees and city, city and county, boards of education may use forty per cent of the county school money for any of the purposes authorized by this chapter; but all the state school money and not less than sixty per cent of the county school money shall be applied exclusively to the payment of teachers' salaries of the elementary schools; *provided*, that any city superintendent of public schools or supervising principal of public schools who holds a teachers' certificate in force for the full time for which the requisition is drawn may be paid out of the same money or fund used for the payment of the salaries of teachers of the elementary schools.

CHAPTER 596.

An act to amend section one thousand five hundred seventy-eight of the Political Code, relating to the formation of new elementary school districts.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred seventy-eight of the Political Code is hereby amended to read as follows:

1578. When a petition for a new district is presented under the foregoing section to the county superintendent of schools he shall examine the same and if he finds the same sufficient and signed as required by the section he shall set the same for hearing by the board of supervisors of his county at a regular meeting thereof and shall immediately forward the same to the superintendent of public instruction for investigation. If the superintendent of public instruction shall find that such district is necessary, he shall attach his certificate to the petition approving the same and immediately return it to the county superintendent of schools. If he finds the district is not necessary, he shall disapprove the formation of the district and shall return the petition together with a statement of his reasons for disapproval to the county superintendent of schools. On receiving the petition with the approval or disapproval of the superintendent of public instruction, the county superintendent of schools shall forthwith file the same with said board of supervisors accompanied by his recommendations and the approval or disapproval of the superintendent of public instruction and a notice containing a general statement of the purpose of the petition and of the boundaries of the proposed new district, and the time and place when and where the petition will be heard. If the superintendent of public instruction shall not approve the petition, the county superintendent of schools or the board of supervisors may in their discretion appeal to the state board of control for a hearing on the matter, and said state board shall review the evidence as presented to it and approve or disapprove of the formation of the district; whereupon, the board of supervisors may in its discretion establish or refuse to establish the new district as hereinafter provided; but no state moneys shall be apportioned to a district established hereafter under the provisions of this section unless its establishment has been approved by the superintendent of public instruction or, upon appeal, by the state board of control.

Formation
of new
elementary
school
districts.

When a petition for a change of boundaries is presented as provided in the preceding section, the county superintendent of schools shall examine the same and if he finds it sufficient and signed as required by law, he shall set the same for hear-

ing by the board of supervisors at a regular meeting thereof, and shall file said petition with the board of supervisors accompanied by his recommendation thereon, and a notice containing a general statement of the purpose of the petition and of the change of boundaries and the time and place when and where the petition will be heard.

At least ten days prior to the date of hearing of a petition for a new district or for change of boundaries, the county superintendent of schools shall send by registered mail a copy of such notice to each of the trustees of each school district which may be affected by the proposed change, if any, and shall post or cause to be posted for the same period copies thereof in at least three public places in the territory proposed to be included in the new district and in at least three public places in each of the districts affected thereby, if any, one of which shall be posted at the door of a schoolhouse, if any, of each of such districts. He shall attach to said original notice and submit therewith to said board of supervisors an affidavit of mailing and posting of said copies. Upon the filing with it of such petition, recommendations, notice and affidavit as herein required, the board of supervisors shall have jurisdiction to hear and determine said petition.

CHAPTER 597.

An act to amend section twenty-one of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Stats 1917,
p. 684,
amended.

SECTION 1. Section twenty-one of an act approved May 18, 1917, as amended, and entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," is hereby amended to read as follows:

Use of
moneys
paid.

Sec. 21. All moneys which shall be paid into the state treasury and credited to the "corporation commission fund" are hereby appropriated to be used by the commissioner in carrying out the provisions of this act; and the controller shall

draw his warrant on said fund from time to time in favor of the commissioner for the amounts expended under his direction, and the treasurer shall pay the same. The commissioner may with the consent of the board of control, withdraw from said fund a sum not exceeding two thousand five hundred dollars, to be used as a revolving fund where cash advances are necessary. The commissioner must account for the sum withdrawn for said revolving fund at any time upon demand of the board of control.

CHAPTER 598.

An act to amend sections five, six, nine and fourteen of the act entitled, "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 11, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section five of the act entitled, "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and part of acts in conflict with this act," approved June 2, 1913, as amended, is hereby amended to read as follows:

SEC. 5. The board is authorized to prosecute all persons guilty of violation of the provisions of this act. It shall have the power to employ legal counsel for such purpose, and may also employ inspectors, special agents and investigators and such clerical assistance as it may deem necessary

Prosecution
of violators.

to carry into effect the provisions of this act. The board may fix the compensation to be paid for such service and may incur such other expenses as it may deem necessary. It shall also fix the salary of the secretary, and also the sum to be paid to other members of the board, not to exceed ten dollars per diem each, for each and every day of actual service in the discharge of official duties: such service to include the attendance at special meetings of the board and committee meetings of the board and while actively engaged in the review of examination papers, based upon one per diem for each thirty papers or fraction thereof. Each member of the board shall make an affidavit before some duly authorized person in the State of California that such service has been actually performed; and the board may in its discretion add to said sum necessary traveling expenses.

Salary of secretary and board members.

Stats. 1913, p. 724, amended. Report of receipts.

SEC. 2. Section six of said act is hereby amended to read as follows:

SEC. 6. All fees collected on behalf of the board of medical examiners, and all receipts of every kind and nature, shall be reported at the beginning of each month, for the month preceding, to the state controller, and at the same time the entire amount of such collections shall be paid into the state treasury, and shall be credited to a fund to be known as the board of medical examiners' contingent fund, which fund is hereby created. Such contingent fund shall be for the uses of the board of medical examiners and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this act. An amount not to exceed three thousand dollars (\$3,000) may be drawn from the contingent fund herein created, to be used as a revolving fund where cash advances are necessary; but expenditures from such revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demand therefor is made by the board of control.

Use of contingent fund.

Revolving fund.

SEC. 3. Section nine of said act is hereby amended to read as follows:

SEC. 9. Every applicant must file with the board, at least two weeks prior to the regular meeting thereof, satisfactory testimonials of good moral character, and a diploma or diplomas issued by some legally chartered school or schools approved by the board, the requirements of which school or schools shall have been at the time of granting such diploma or diplomas in no degree less than those required under this act, or satisfactory evidence of having possessed such diploma or diplomas, and must file an affidavit stating that he is the person named in said diploma or diplomas, and that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination without fraud or misrepresentation; *provided*, that in addition thereto, each applicant for a "physician and surgeon certificate" must show that he has attended four courses of study, each such course

Stats. 1917, p. 93, amended. Applicants must file testimonials, etc.

to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously, or consecutively: *provided, further*, that an applicant for a "drugless practitioner certificate" must show that he has attended two courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively, the course in chiropody is to consist of not less than thirty-nine weeks consisting of not less than six hundred sixty-four hours; *provided, further*, that an applicant for a certificate to practice midwifery must show that the applicant has attended a one-year course in a hospital recognized as reputable by the board, and that a course of instruction in anatomy, physiology, obstetrics and hygiene and sanitation as set forth in section ten hereof has been taken, covering a period of one year; *provided, further*, that in lieu thereof, an applicant who can submit satisfactory proof of the possession of a diploma from a recognized reputable hospital, and who in addition thereto has attended a course of instruction in the subjects enumerated in section ten hereof and satisfactory proof that such instruction has been taken covering a period of at least three months; *and provided, further*, that in lieu thereof an applicant may present proof satisfactory to the board that the applicant has taken a course of instruction with the minimum requirements as designated in section ten of any school or schools approved by the board as giving a course of instruction in said subjects for a certificate to practice medicine and surgery; *provided, also*, that before July 1, 1918, in lieu of the diploma or diplomas and preliminary requirements herein referred to where the applicant can show to the satisfaction of the board of medical examiners that he has taken courses hereinafter required in a school or schools approved by the board totaling for applicants for "drugless practitioner certificate" not less than sixty-four weeks consisting of not less than two thousand hours and for "physician and surgeon certificate" totaling not less than one hundred twenty-eight weeks consisting of not less than four thousand hours, it being required that all applicants shall have received passing grades in all such courses, that the applicant or applicants shall be admitted to examination for their respective form of certificates.

The said application shall be made upon a blank furnished by said board and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as the board may by rule prescribe. In addition to the requirements hereinabove provided for, applicants for any form of certificate hereunder shall present to said board at the time of making such application a diploma from a California high school or other school in the State of California requiring and giving a full four years' course of same grade, or other schools elsewhere, requiring and giving a full four years' standard high school course, or its equivalent,

Application.

Preliminary
education.

approved by the board, together with satisfactory proof that he is the lawful holder of such diploma, and that the same was procured in the regular course of instruction. The passing of an examination before the entrance examining board for the entrance to the academic department of the University of California, or Stanford University or the University of Southern California, or the possession of documentary evidence of admission to the academic department of such institutions as a regular student or in full standing shall be sufficient basic or preliminary educational qualifications. In lieu of such diploma, the applicant may present: (1) a certificate from the college entrance examination board, or the college examining board of any state or territory showing that such applicant has successfully passed the examination of said board; or (2) if such applicant be thirty years or more of age he may show to the satisfaction of the board of medical examiners proof of preliminary education equivalent in training power to the foregoing requirements. After January 1, 1919, every applicant for a "physician and surgeon certificate" shall in addition to the foregoing requirements, present to the board satisfactory evidence that before beginning the last half of the second year in the study of medicine he has completed a course which includes at least one year of work, of college grade, in each of the subjects of physics, chemistry and biology. The preliminary or basic educational requirements for a chiropodist shall be as follows: On and after July 1, 1915, the successful completion of one year of high school work or its equivalent; on and after July 1, 1918, two years of high school work or its equivalent; on and after July 1, 1920, three years of high school work or its equivalent; on and after July 1, 1922, four years of high school work or its equivalent.

The preliminary or basic educational qualifications for an applicant to practice midwifery in this state shall be the completion of one year of high school work or its equivalent, and after October, 1918, the presentation to the board of a diploma from a California high school giving a full four years' standard high school course or its equivalent.

Sec. 4. Section fourteen of said act is hereby amended to read as follows:

Sec. 14. Said board must refuse a certificate to any applicant guilty of unprofessional conduct. On the filing with the secretary of a sworn complaint, charging the applicant with having been guilty of unprofessional conduct, the secretary must forthwith issue a citation, under the seal of the board, and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant when and where the charges of said unprofessional conduct will be heard, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation or that default will be taken against him and his application for a certificate refused. The attendance of wit-

Stats. 1917,
p. 108,
amended.
Refusal of
certificate
for
unprofes-
sional
conduct

nesses at such hearing may be compelled by subpoenas issued by the secretary of the board under its seal. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citation and subpoenas generally, and all the provisions of the statutes of this state then in force relating to subpoenas and to citations are hereby made applicable to the subpoenas and citations provided for herein. Upon the secretary's certifying to the fact of refusal of any person to obey a subpoena or citation to the superior court of the county in which the service was had, said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempts for disobedience of the court, and should said court find that the subpoena or citation has been legally served, and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct, arising under this act, depositions of witnesses may be taken, the same as in civil cases and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board his answer, under oath, within twenty days after service on him of said citation, or within such further time as the board may allow, and the charges on their face shall be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such proper evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter provided or whenever a certificate has been procured by fraud or misrepresentation or issued by mistake or that the certificate upon which a reciprocity certificate has been issued was procured by fraud or misrepresentation or issued by mistake or the person holding such certificate is found to be practicing contrary to the provisions thereof and of this act, it shall be the duty of the board and the board shall have power to suspend the right of the holder of said certificate to practice for a period not exceeding one year or to place the holder of said certificate upon probation or suspend judgment in such cases or revoke his certificate, or take such other action in relation to the punishment of the holder of said certificate as in its discretion it may deem proper. In the event of such suspension, the

Revocation
of certifi-
cate for
unprofes-
sional
conduct.

Reinstatement of certificate.

holder of such certificate shall not be entitled to practice thereunder during the term of suspension; but, upon the expiration of the term of said suspension, he shall be reinstated by the board and shall be entitled to resume his practice, unless it shall be established to the satisfaction of the board that said person so suspended from practice, has, during the term of such suspension, practiced in the State of California, in which event the board shall revoke the certificate of such person. No such suspension or revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of suspension or revocation shall enter on his register the fact of such suspension or revocation, as the case may be, and shall certify the fact of such suspension or revocation under the seal of the board, to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "The holder of this certificate was on the ----- day of ----- suspended for -----," or, "This certificate was revoked on the ----- day of -----," as the case may be, giving the day, month and year of such revocation or length of suspension, as the case may be, in accordance with said certification to him by said secretary. The record of such suspension or revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said suspension or revocation; *provided, further*, that the holder of any certificate which has been revoked or suspended by the board of medical examiners, may within twenty days after receiving notice of said revocation or suspension of his said license, appeal to the superior court of the State of California in the county or city and county in which such suspension or revocation was made by the board of medical examiners. Upon such appeal being taken by such person whose license has been revoked or suspended by the board of medical examiners in accordance with the provisions of this act, the said superior court shall have full power to review all of the proceedings and testimony taken in said hearing before the board of medical examiners, and to inquire into the sufficiency of the evidence upon which such suspension or revocation was made. If the court finds the evidence sufficient to sustain the judgment of the board, said judgment shall be upheld and affirmed, and if the court deems such evidence insufficient to justify the judgment of the board of medical examiners in revoking or suspending the license of the petitioner, said superior court shall have full power to annul or reverse said judgment. The words "unprofessional conduct" as used in this act, are hereby declared to mean:

First—The procuring or aiding or abetting or attempting or agreeing or offering to procure a criminal abortion.

Second—The wilful betraying of a professional secret.

Unprofessional
conduct
defined.

Third—All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

Fourth—All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed.

Fifth—Conviction of any offense involving moral turpitude in which case the record of such conviction shall be conclusive evidence.

Sixth—Habitual intemperance or excessive use of cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, novocaine or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances or the prescribing, selling, furnishing, giving away or offering to prescribe, sell, furnish, or give away such substances to a habitue who is not under the direct personal and continuous treatment and care of the physician for the cure of the above mentioned drugs.

Seventh—The personation of another licensed practitioner or permitting or allowing another person to use his certificate in the practice of any system or mode of treating the sick or afflicted.

Seventh (a)—Employing directly or indirectly any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted or the aiding or abetting any unlicensed person to practice any system or mode of treating the sick or afflicted.

Eighth—The use, by the holder of any certificate, in any sign or advertisement in connection with his said practice or in any advertisement or announcement of his practice, of any fictitious name, or any name other than his own.

Ninth—The use, by the holder of a "drugless practitioner certificate" of drugs or what are known as medicinal preparations, in or upon any human being, or the severing or penetrating by the holder of said "drugless practitioner certificate" of the tissues of any human being in the treatment of any disease, injury, deformity, or other physical or mental condition of such human being, excepting the severing of the umbilical cord.

Tenth—Advertising, announcing or stating, directly, indirectly, or in substance, by any sign, card, newspaper, advertisement or other written or printed sign or advertisement, that the holder of such certificate or any other person, company, or association by which he is employed or in whose service he is, will cure or attempt to cure, or will treat, any venereal disease, or will cure or attempt to cure or treat any person or persons for any sexual disease, for lost manhood, sexual weakness, or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service

Unprof-
essional
conduct
defined.

of, any person, firm, association, or corporation so advertising, announcing or stating.

Eleventh—The use by the holder of any certificate of any letter, letters, word, words, or term or terms used either as prefix or affix or suffix indicating that such certificate holder is entitled to practice a system or mode of treating the sick or afflicted for which he was not licensed in the State of California.

Twelfth—The employment of “cappers” or “steerers” or other persons in procuring practice for a practitioner for a system or mode of treating the sick or afflicted provided for in this act.

Thirteenth—The certificate issued herein for the practice of midwifery may be revoked when it appears to the satisfaction of the board that in any case or cases that the licentiate may have treated, that due caution and circumspection was not used or that the holder of said certificate in its treatment of any case or cases had not used proper aseptic and antiseptic precautions.

Fourteenth—The certificate to practice midwifery herein may be revoked upon conviction for the violation of any health statute, order or ordinance or for the neglect or refusal to comply with the health rules and regulations of any state, county, city and county, city or township.

Fifteenth—The certificate issued herein for the practice of midwifery may be revoked for the treatment by any midwife in any case of labor in which case there is a complicated vertex presentation in which said licentiate did not call or attempt to call a licentiate licensed to practice a system including the practice of obstetrics under this act or any preceding medical practice act in this state.

Sixteenth—The certificate issued herein for the practice of midwifery may be revoked for a failure to refer to a licentiate under this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case which during pregnancy has, or develops any of the following conditions: a contracted pelvis or other deformity that will interfere with labor; bleeding from the uterus; swelling of the face and hands; excessive vomiting; persistent headache; dimness of vision; convulsions; or for failure to call or summons a physician if any of the following conditions exist or develop at the beginning of or during labor: Complicated presentation of a vertex (head); convulsions, excessive bleeding; prolapse of the cord; a swelling or tumor that obstructs the birth of the child; signs of exhaustion or collapse; unduly prolonged labor; or the failure to refer to a licentiate in this act or any preceding act in this State of California licensed to practice a system including obstetrics, a case, which during the lying-in period, develops the following conditions: Convulsions; excessive bleeding; foul smelling discharges (lochia); persistent rise of temperature to one hundred one degrees Fahrenheit for twenty-four hours; swell-

ing and redness of the breasts; severe chill (rigor) with rise of temperature; inability to nurse the child; or for failure to refer to a licentiate under this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case where the child has or develops any of the following conditions: Deformities or malformations or injuries; inability to suckle or nurse; inflammation around or discharge from the navel; swelling and redness of the eyelids with a discharge of pus from the eyes (ophthalmia neonatorum); bleeding from the mouth, navel or bowels, inability to urinate.

Seventeenth—The certificate issued herein for the practice of midwifery may be revoked for the treatment by the said midwife licentiate known as the introduction of the hand into the vagina or uterus to remove placenta or membranes.

Eighteenth—The certificate issued herein for the practice of midwifery may be revoked for the failure to have the following equipment (in each case): Nail brush; wooden or bone nail cleaner; jar of green or soft castile soap; rubber gloves; tube of sterile vaseline; clinical thermometer; agate or glass douche reservoir; two rounded vaginal douche nozzles; two rectal nozzles, large and small; one soft rubber catheter; blunt scissors for cutting cord; either lysol, carbolic acid or bichloride of mercury tablets; borie acid powder; one per cent solution of nitrate of silver; medicine dropper; narrow tape or soft twine for tying cord; absorbent cotton (preferably in one-quarter pound packages); no other instruments are to be used by a midwife.

CHAPTER 599.

An act to amend an act entitled "An act to provide for proceedings against and liquidation of delinquent insurance corporations and associations," approved April 30, 1919, by adding thereto a new section to be numbered two a, relating to proceedings against and liquidation of delinquent insurance corporations and associations.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the act entitled "An act to provide for proceedings against and liquidation of delinquent insurance corporations and associations, approved April 30, 1919," to be numbered two a and to read as follows:

Sec. 2a. Whenever it shall appear to the insurance commissioner that any person or corporation has committed any of the acts set forth in paragraph two of this act, and that

Proceedings
against
delinquent
insurance
company.

any officer or attorney in fact of such corporation has embezzled or sequestered or wrongfully diverted to his or its own benefit any of the moneys, assets or securities of such corporation, and that irreparable loss and injury to the property and business of such corporation has or may occur unless the insurance commissioner take immediate charge of the property, business and affairs of such corporation, then and thereupon the insurance commissioner shall forthwith, without notice and before applying to the court for any order as herein provided, seize and take possession of the property and business of such person or corporation, its books, records and accounts and the offices and premises occupied by such corporation for the transaction of its business, and retain possession of the same subject to the order of the court; and for such purpose the insurance commissioner may require the aid of all peace officers to enforce such seizure and possession by the insurance commissioner.

Thereupon the insurance commissioner shall apply to the superior court, or any judge thereof, in the county in which the principal office of such corporation is located for the order provided for in section two of this act, and thereafter shall proceed in such application and in the disposition of the property, business and affairs of said corporation as hereinafter in this act provided.

CHAPTER 600.

An act to provide for the consolidation of districts organized or existing under the California irrigation district act.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Consolidation of irrigation districts.

SECTION 1. Two or more districts organized or existing under the California irrigation district act may be consolidated as in this act provided and when so consolidated, the consolidated district shall possess all of the powers and be governed by and subject to all of the provisions of the California irrigation district act, except as in this act otherwise provided, as though originally organized under said act.

Resolution.

SEC. 2. When in the judgment of the board of directors of an irrigation district it is for the best interest of such district that it be consolidated with one or more other districts organized or existing under said California irrigation district act or when there is presented to said board a petition signed by signers equal in numbers to and possessing the qualifications required by said California irrigation district act for a petition for the organization of a district, said board must pass a resolution reciting such facts and declaring the advisability

of such consolidation and its willingness to consolidate and forward a copy thereof to the state engineer.

SEC. 3. Upon the receipt of the certified copy of such resolution adopted by two or more of such districts the state engineer shall forthwith make or cause to be made such investigation as he may deem necessary. Investigation by state engineer.

SEC. 4. Upon the completion of such examination but not more than ninety (90) days after the receipt by him of a copy of the resolution from the board last adopting the same the state engineer shall submit to the board of directors of each of said districts his report thereon. Report by state engineer.

In case said state engineer shall consider the elimination of a portion of the lands included in any of the original districts advisable, he shall recommend the same in his said report, stating his reasons therefor. He shall also set out the boundaries of the consolidated district recommended and the divisions into which it is to be divided, the same being five in number.

If any of said lands so eliminated have never received water from the original district in which it was included, the owners thereof shall be entitled to the return of all assessments theretofore paid upon same. If any of said lands have theretofore received water, the said state engineer shall recommend in his said report the portion, if any, of said assessments to the return of which the respective owners are equitably entitled.

Within ten (10) days after receiving said report, if the state engineer deems such consolidation desirable, the board of directors of each of said districts must make an order calling a special election at which shall be submitted to the electors of such district possessing the qualifications prescribed by the California irrigation district act the question whether or not said consolidation shall be effected, which said election shall be conducted so far as practicable in accordance with the requirements for the election of officers provided in said act. Notice of such election shall be given for the time and in the manner provided for notice of special elections for the issuance of bonds in said California irrigation district act. The ballots shall contain the words "Consolidation—Yes" and "Consolidation—No," or words equivalent thereto, and if a majority of the votes cast in each district are "Consolidation—Yes," then such districts shall be consolidated. Election.

At such election there shall also be elected the directors and other officers of the consolidated district who shall be nominated and voted for as provided upon the organization of a district.

SEC. 6. After receiving said report, if the said engineer deems such consolidation not desirable, or if no report is received from said engineer within ninety (90) days after the submission to him of said copy of said resolution from the board last adopting the same, said boards of directors, if they each shall determine and declare by resolution that the proposed consolidation is desirable, shall each make an order calling a If engineer reports unfavorably.

special election in the same manner as provided in section five hereof, which said election shall be conducted in the same manner and upon the same notice as provided therein.

Officers.

SEC. 7. In the original resolution of consolidation the boards of directors of the several districts shall specify the offices agreed upon for the consolidated district and upon the voters of said districts consolidating said districts as herein provided, the directors and other officers then elected shall thereupon become the officers of such consolidated district and shall qualify and organize in the manner provided for a newly organized district.

Apportionment of indebtedness.

SEC. 8. The report of the said engineer shall recommend the apportionment to the lands of the respective districts any outstanding indebtedness as he deems equitable, and the board of directors of the consolidated district, if such consolidation be made, shall within sixty (60) days after such consolidation act upon such recommendation and shall apportion to the lands of the said consolidated district any outstanding indebtedness as it deems equitable.

Name of district.

SEC. 9. In the original resolution of consolidation the said boards of directors of the several districts shall specify the name agreed upon for the said consolidated district, and if such consolidation is adopted at such election, then said consolidation shall be effective and such consolidated district, under the said name, shall succeed to all of the rights, privileges and properties of all of the districts participating in such consolidation and shall be subject to all of the indebtedness, bonded and otherwise, thereof, as so respectively apportioned, and all future assessments necessary shall be levied in accordance with such apportionment.

Order declaring consolidation effective.

Within ten days after said consolidation is made, the board of directors of said consolidated district shall make an order declaring such consolidation effective and setting out the date that same became effective and the boundaries of said consolidated district. A copy of said order, duly certified by the president and secretary thereof, shall be forthwith filed for record in the office of the county recorder of each county in which any lands of said district are situate.

CHAPTER 601.

An act to amend section two of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith

in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, is hereby amended to read as follows:

Sec. 2. There is hereby created a commission known as the "state civil service commission" which shall consist of three commissioners one of whom shall be the executive member and the other two shall be associate members, each of which members shall be appointed by the governor for the term of four years from the expiration of the respective terms of the members in office at the time this amendatory act takes effect. Vacancies shall be filled by appointments by the governor for the unexpired terms. Any commissioner may be removed by concurrent resolution of both houses of the legislature adopted by a two-thirds vote of each house. The member appointed to the position of executive member of said commission shall be ex officio president of the commission. He shall receive as compensation for his service the sum of four thousand dollars per annum and devote all his time to the duties of his office, which shall be maintained at the city of Sacramento. Each of the associate members of said commission shall receive as compensation for their services ten dollars per day while actually engaged in the duties of their office, not to exceed five hundred dollars each in any one year. All members of the commission shall receive their actual and necessary traveling expenses incurred in the performance of their duties. The total and items of all expenditures and obligations made, authorized and incurred by the commission shall not exceed the sums appropriated therefor by law. The names "commission" and "commissioners" as used in the act of which this is amendatory shall be construed to mean the executive head of the commission except that, in relation to the enactment of rules and regulations, the classifications and exemptions of places of employment and the dismissals from the public service, the votes of two members of the commis-

Stats 1913,
p. 1035,
amended.

Civil service
commission
created.

Compensa-
tion

sion shall be necessary. In all other respects the duties, powers and functions now or hereafter conferred upon the civil service commission or commissioners are hereby vested in and conferred upon the executive member of said commission.

CHAPTER 602.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two, embracing sections three hundred forty-eight to three hundred fifty-nine a, both inclusive, relating to public officers and employees.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered article two, embracing sections three hundred forty-eight to three hundred fifty-nine a, both inclusive, and to read as follows:

ARTICLE II.

Governor
to create
administra-
tive
departments.

348. It is the policy of this state to vest in the governor the civil administration of the laws of the state and for the purpose of aiding the governor in the execution and administration of the laws to divide the executive and administrative work into departments as provided by law.

Head of
department.

349. Each department, when created, shall be conducted under the control of an officer or body as head thereof. Unless otherwise expressly provided in the constitution or in any act creating a new department, or amendatory thereof, the officer or body at the head of each department, and all members of boards created by law thereunder, shall be appointed by the governor, to hold office at his pleasure. Each department shall maintain its office at Sacramento and shall adopt and keep an official seal.

Powers of
head of
department.

350. The head of each department, subject to the approval of the governor, shall have power to arrange and classify the work of the department and to consolidate, abolish, or create divisions thereof. So far as consistent with law the head of each department may adopt such rules and regulations as may be necessary, to govern the activities of the department and may assign to each of the officers and employees thereof such duties and labors as he may see fit. And he may, from time to time for the betterment of the public service, reassign to any and all employees under the chief of any division, such duties as he may see.

351. Except as otherwise provided by law, each division of a department shall be in charge of a chief who shall be appointed by the head of the department and receive such compensation as may be fixed by law. When a new division is created and a new chief appointed the salary of the chief shall be fixed by the governor until fixed by the legislature, such salary not to exceed the compensation paid for like services. The head of each department shall with the approval of the governor, except as otherwise provided by law, have power to appoint such chiefs, assistants, deputies, agents, experts, and other employees as are necessary for the administration of the affairs of the department, to prescribe their duties and to fix their salaries in accordance with classifications made by the civil service commission; *provided, however,* that the head of a department shall have no authority on the part of the state to incur obligations for salaries exceeding the amount of moneys made available by law for that purpose. The chiefs of divisions, assistants, deputies, agents, experts and other employees of a department shall execute to the state such official bonds as the head of the department may determine and require unless otherwise expressly provided by law. In each department the head of the department and the chief of each division and one position of a confidential nature under the head of each department, shall be exempt from the provisions of the civil service law. The head of each department and all chiefs of divisions, deputies and secretaries, of a department, shall be civil executive officers.

Chiefs of divisions.

352. All heads of departments, chiefs of divisions, assistants, deputies, agents, experts and other employees of a department shall be entitled to receive in addition to their salaries, their actual necessary traveling expenses when away from their headquarters on state business. Except as otherwise expressly provided by any act creating a new department, the members of no state board or commission which is created or continued in force by such act, shall receive any compensation for their services, but they shall be allowed necessary expenses incurred in the performance of duty.

Traveling expenses.

353. The head of each department may make investigations and prosecute actions concerning all matters relating to the business activities and subjects under the jurisdiction of the department, violations of any law, or the rules or orders of the department, and concerning such other matters as may be provided by law. In connection therewith he shall have the right to inspect books and records and to hear complaints, administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding pertinent or material thereto in any part of the state.

Prosecution of actions.

In any hearing in any part of the state the process issued by the head of a department shall extend to all parts of the state and may be served by any person authorized to serve process

Service of process.

of courts of record or by any person designated for that purpose by the head of the department. The person serving any such process may receive such compensation as may be allowed by the head of the department not to exceed the fees prescribed by law for similar service, and such fees shall be paid in the same manner as provided herein for the payment of the fees of witnesses. Each witness who shall appear by order of the head of a department, other than an officer or employee of the state or any political subdivision thereof, shall receive for his attendance the same fees, and all witnesses shall receive the same mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed. To the same extent, when any witness who has not been required to attend at the request of any party shall be subpoenaed by the head of a department his fees and mileage shall be paid from the funds appropriated for the use of the department in the same manner as other expenses of the department are paid.

Superior court to compel attendance of witnesses, etc.

The superior court in and for the county in which any hearing may be held under the direction of the head of a department shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, books, accounts and documents as required by any subpoena issued by the head. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena the head of the department may report to the superior court in and for the county in which the hearing is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness or the production of said papers, and that the witness has been summoned in the manner prescribed in this article, and that the witness has failed and refused to attend or produce the papers required by subpoena before the officer in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him in the course of such investigation or hearing, and ask an order of said court compelling the witness to attend and testify or produce said papers before the officer named in the subpoena. The court upon the filing of the petition shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, and then and there show cause why he has not attended or testified or produced said papers as required. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the head of the department, the court shall thereupon enter an order that said witness appear before the officer named in the subpoena at the time and place fixed in said order and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court.

Deposition of witnesses.

The head of a department may in any matter pending before him cause the deposition of witnesses residing within or without

the state to be taken by causing a petition to be filed in the superior court in the county of Sacramento reciting the nature of the matter pending, the name and residence of the witness whose testimony is desired, and asking that an order be made requiring the witness to appear and testify before an officer named in the petition for that purpose. Upon the filing of the petition the court may make an order requiring such witness to appear and testify in the manner prescribed by law for like depositions in civil actions in the superior courts of this state. To that end and in the same manner the superior courts may compel the attendance of witnesses and the production of papers, books, accounts, and documents, and, in the same manner, may punish for contempt.

Any party to any such hearing shall have the right to the attendance of witnesses. Attendance of witnesses.
 deposition as set forth in this section upon making request therefor to the head of the department and designating the person or persons sought to be subpoenaed, and by depositing with the officer before whom such hearing is to be had the necessary fees and mileage.

A witness is not obliged to attend as a witness in any matter under this section at a place out of the county in which he resides, unless the distance be less than fifty miles from his place of residence. The powers conferred upon the head of a department by the provisions of this section may be exercised with like force and effect by such officers of the department as the head thereof may authorize and designate to conduct any such investigation or hearing; *provided, however*, that except in his report to the head of the department, or when called upon to testify in any court or proceeding at law, any such officer who shall divulge any information acquired by him from the private books, documents or papers of any person, firm or corporation, while acting or claiming to act under any such authorization or designation, in respect to the confidential or private transactions, property or business of any person, firm, or corporation, shall be guilty of a misdemeanor and shall be disqualified from acting in any official capacity in the department.

354. The head of each department shall make a report to the biennial reports.
 governor at least sixty days before the commencement of each biennial session of the legislature. Such report shall give an account of all matters pertaining to the department, together with any recommendations, and shall specifically set forth a statement of expenditures made by the department during the period up to and including the thirtieth day of June preceding said session. There shall also be set forth in such report a statement of the organization plan of the department, together with the number and classes of officers and employees in the department and the compensation paid the same.

355. The attorney general shall be the legal adviser of each department in all matters relating to the department and to the powers and duties of its officers. Upon request of the head Attorney general legal adviser.

of a department, the attorney general, or under his direction, the district attorney of any county in which the proceeding is brought, shall aid in any investigation, hearing, prosecution or trial had under the laws which the department is required to administer, and shall institute and prosecute all necessary actions or proceedings for the enforcement of such law and for the punishment of all violations thereof. The sheriffs and constables in the several counties shall execute all lawful orders of a department in such counties.

Assistance
to other
departments.

356. Each department shall furnish to each other department upon written request therefor, approved by the civil service commission, such assistance as it may render without detriment to the administration of such department, including the deputizing of agents and inspectors, when consistent with law, and the temporary reassignment of employees when the same will tend to eliminate duplication or expense.

When
department
succeeds
to duties
of state
board.

357. Whenever a department succeeds to and is vested with the duties, powers, purposes, responsibilities and jurisdiction of a state board, commission, office, officer, deputy, employee or employment, the name or designation of such board, commission, office, officer, deputy, employee or employment and of the several members, officers, deputies and employees thereof, when used in any statute or law now in force or that may hereafter be enacted, such name or designation shall be construed to mean and refer to said department, the same as though the title of the department had been specifically set forth and named in said statute or law.

When
department
is invested
with enforce-
ment of
law.

358. Whenever a department is invested with the power and is charged with the duty of administering and enforcing any statute or law which imposes a duty or jurisdiction or confers an authority upon any state board, commission, office, officer, deputy or employee, to administer the provisions thereof, such duty, jurisdiction and authority are hereby imposed upon and transferred to said department and the officers, deputies and employees thereof with the same force and effect as if the name of said department occurred in said statute or law in each instance in lieu of the name of such board, commission, office or officer, or in lieu of the name of any member, officer, deputy or employee thereof, as the case may be.

Existing
obligations
and
penalties
not
affected.

359. Every person and corporation shall be subject to the same obligations and duties, and shall have the same rights arising from the exercise of such rights, powers and duties as if such rights, powers and duties were exercised by the state board, commission, office, officer, deputy or employee designated in the respective laws which are to be administered by departments created in conformity with this article. Every person and corporation shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any such obligations, or duty, or for doing a prohibited act as if such obligation or duty arose from or was prohibited in the exercise of such rights, powers or duties by the state board, commission, office, officer, deputy or employee, designated in the respective

laws which are to be administered by any such department. Every officer, deputy and employee shall for any offense be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer, deputy or employee whose powers or duties are devolved upon him under any act creating a new department. Neither this act nor any act creating a new department shall affect any act done, ratified, or confirmed, or any right accrued or established, or any offense committed, or any action or proceeding had or commenced in a civil or criminal cause before this or any such other act takes effect; but such right may be enforced, offenses punished and actions or proceedings prosecuted and continued by the department having or acquiring jurisdiction of the subject matter to which such litigation or proceeding pertains, with the same force and effect as if said transfer of such rights, powers, duties, responsibilities and jurisdiction had not been made to the department.

359a. The civil service standing of each of the officers and employees as are taken over and reemployed by the department shall be observed under such reclassifications as shall hereafter be made by the civil service commission for the purpose of preserving such standing. But nothing herein shall be construed to require any department to retain in the public service any unnecessary officers or employes.

Civil
service
standing of
officers and
employees.

SEC. 2. Sections three hundred forty-eight, three hundred fifty, three hundred fifty-one, three hundred fifty-two, three hundred fifty-three, three hundred fifty-four, three hundred fifty-five, three hundred fifty-six, three hundred fifty-eight, three hundred fifty-nine, three hundred sixty, three hundred sixty-one, three hundred sixty-two and three hundred sixty-six of the Political Code are hereby repealed. Nothing herein shall be construed as affecting the provisions of sections three hundred sixty-eight, three hundred seventy, or three hundred seventy-one of the Political Code.

Repealed.

Provisions
not affected.

CHAPTER 603.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two a, embracing sections three hundred sixty to three hundred sixty g, both inclusive, relating to a department of finance.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof,

to be numbered article two *a*, embracing sections three hundred sixty to three hundred sixty *g*, and to read as follows:

ARTICLE II*a*.

DEPARTMENT OF FINANCE.

Department
of finance
created.

360. A department of the government of the State of California to be known as the department of finance is hereby created. The department shall be under the control of a governing body, as hereinafter prescribed. Except as in this article otherwise prescribed, the provisions of article two of this chapter, title and part of the Political Code as adopted at the forty-fourth session of the legislature, and as the same may be amended from time to time shall govern and apply to the conduct of the department of finance in every respect the same as if such provisions were herein set forth at length, and wherever in said article two, the term "head of the department," "head of a department," or similar designation occurs, the same shall, for the purposes of this article, mean the governing body of the department of finance.

Organiza-
tion.

Divisions.

360*a*. For the purpose of administration the department shall be forthwith organized by the governing body or head thereof, subject to the approval of the governor, in such manner as it shall deem necessary to properly segregate and conduct the work of the department. The work of the department is hereby divided into at least six divisions, to be known respectively as the division of claims and disbursements, the division of budgets and accounts, the division of purchases and custody, the division of printing, the division of motor vehicles, and the division of libraries. The governing body or head of the department, subject to the approval of the governor, may create such other divisions and subdivisions as may be necessary, and change or abolish the same from time to time, subject to the approval of the governor.

Chiefs of
divisions.

360*b*. The divisions of claims and disbursements, of budgets and accounts, and of purchases and custody, shall each be in charge of a chief to be known respectively as chief of the division of claims and disbursements, chief of the division of budgets and accounts, and chief of the division of purchases and custody.

The chief of the division of printing shall receive an annual salary of five thousand dollars, and before entering upon the duties of his office he shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars; the chief of the division of motor vehicles shall receive an annual salary of three thousand six hundred dollars, and before entering upon the duties of his office he shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars; the chief of the division of libraries, who shall be known as "state librarian," shall be a technically trained librarian and shall receive an annual salary of five thousand dollars, and before entering upon the duties

of his office he shall execute an official bond to the State of California in the penal sum of three thousand dollars.

360c. The state board of control shall constitute the governing body, or head, of the department of finance, and the chairman of the board of control shall be chairman of said governing body. One member shall be chief of the division of claims and disbursements, one shall be chief of the division of budgets and accounts, and one shall be chief of the division of purchases and custody, as may be designated by the governor. For their services as chiefs of divisions they shall receive no compensation other than that allowed to them by law as members of the board of control. A majority of the members of the governing body of the department shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the department. Said governing body shall assign to each of the chiefs of divisions such duties as may be necessary to effectively carry out the purposes of this article. No vacancies in the governing body of the department shall impair the right of the remaining members to exercise all the powers thereof. The governing body of the department may provide for the approval of all claims against the state by one of the members thereof, and the endorsement thereon of such member shall be sufficient. With the approval of the governor the governing body may from time to time waive or re-establish the requirement for the preauditing of contracts for purchase of supplies and materials prescribed by section six hundred eighty-three of the Political Code. Said governing body shall act as a whole in the final determination of the state budget, which shall be prepared by the chief of the division of budgets and accounts.

360d. The department of finance shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the state board of control, department of public accounting, children's agents, state purchasing department, superintendent of capitol buildings and grounds, board of trustees of the state burial grounds, board of Colton hall trustees, board of Monterey custom house trustees, board of Pio Pico mansion trustees, board of Sutter's fort trustees, capitol planning commission, superintendent of state printing, motor vehicle department of California, superintendent of the motor vehicle department of California, board of trustees of the state library, and state librarian, and of the several officers, deputies and employees of such bodies and offices; and, except as herein otherwise provided, whenever by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon any of said bodies, offices, officers, deputies or employees, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of finance with the same force and effect as though the title of the department of finance had been specifically set forth and

State board
of control
to
constitute
governing
body.

Department
succeeds
to duties
of said
boards.

named therein, in lieu of the name of any such board, commission, office, officer, deputy, or employee thereof, as the case may be.

Terms designating boards to refer to department.

For the purposes of this article, the terms "state board of control," "department of public accounting," "children's agents," "state purchasing department," "superintendent of capitol building and grounds," "board of trustees of the state burial grounds," "board of Colton hall trustees," "board of Monterey custom house trustees," "board of Pio Pico mansion trustees," "board of Sutter's fort trustees," "capitol planning commission," "superintendent of state printing," "deputy superintendent of state printing," "motor vehicle department of California," "superintendent of the motor vehicle department of California," "board of trustees of the state library," and "state librarian," or similar designations, and of the several members, officers or employes of such bodies and offices, when used in any statute or law now in force, or that may hereafter be enacted, such name or designation shall be construed to mean and refer to the "department of finance," the same as though the title of the department of finance had been specifically set forth and named therein.

Bodies and offices abolished.

The following named bodies and offices and the positions of all deputies, officers and employes thereunder, are and each of them is hereby abolished and shall have no further legal existence: State children's agents, department of public accounting, state purchasing department, superintendent of capitol building and grounds, board of trustees of the state burial grounds, board of Colton hall trustees, board of Pio Pico mansion trustees, board of Sutter's fort trustees, capitol planning commission, superintendent of state printing, motor vehicle department of California, superintendent of the motor vehicle department of California, board of trustees of the state library, state librarian, and the positions of all deputies, officers and employes under the state board of control; *provided, however*, that the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes and responsibilities and jurisdiction together with all lawful rules and regulations established thereunder, are hereby expressly continued in force.

All other bodies, offices and officers mentioned in this section shall continue in existence with the duties, powers, purposes, responsibilities and jurisdiction elsewhere in this article prescribed.

Records, etc.

360e. The department of finance shall also be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of all of said bodies, offices and officers mentioned in this article, and the title to all property now or hereafter held by any of said bodies, offices or officers, for the use and

Title to property.

benefit of the state is hereby transferred to the State of California to be held in the possession of said department.

360f. The department of finance is hereby invested with the power, and is charged with the duty of administering and enforcing the act entitled, "An act to authorize the state board of fish and game commissioners to prepare and maintain free camping grounds on land in Placer county belonging to the State of California, and to adopt and enforce regulations pertaining thereto," approved May 13, 1919, and all other laws now or hereafter imposing any duty, power or function upon any of the bodies, offices, officers, deputies or employes herein transferred to said department.

In charge
of Tahoe
camping
grounds.

360g. From and after the date upon which this act takes effect, the department of finance shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes the administration of which is committed to the department, or for the use, support, or maintenance of any board, commission, office or officer whose duties, powers, and functions are, by the provisions of this article, transferred to and conferred upon the department of finance.

Expendi-
tures by
department.

CHAPTER 604.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two e, embracing sections three hundred sixty-four to three hundred sixty-four d, both inclusive, relating to a department of labor and industrial relations.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered article two e, embracing sections three hundred sixty-four to three hundred sixty-four d, and to read as follows:

ARTICLE IIe.

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS.

364. A department of the government of the State of California to be known as the department of labor and industrial relations is hereby created. The department shall consist of the following governmental agencies of the State of California, to wit: the industrial accident commission, the commission of immigration and housing, the industrial wel-

Department
of labor
and
Industrial
relations
created

fare commission and the bureau of labor statistics. Said department shall be divided into four divisions as follows:

Division of
workmen's
compensa-
tion.

(1) The division of workmen's compensation insurance and safety, which shall be administered by the industrial accident commission and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction now or hereafter conferred by law upon the industrial accident commission.

Division of
immigration
and
housing.

(2) The division of immigration and housing, which division shall be administered by the commission of immigration and housing and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction now or hereafter conferred by law upon the commission of immigration and housing.

Division
of
industrial
welfare.

(3) The division of industrial welfare, which division shall be administered by the industrial welfare commission and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction now or hereafter conferred by law upon the industrial welfare commission.

Division
of labor.

(4) The division of labor, which division shall be administered by the commissioner of labor statistics and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction now or hereafter conferred by law upon the commissioner of labor statistics and the bureau of labor statistics.

Representa-
tives on
department
of labor
and
industrial
relations.

364a. On or before the first day of October, 1921, and on or before the first day of January of each and every year thereafter and at such other times in case of a vacancy, each of divisions one, two and three shall designate one of its members as its representative on the department of labor and industrial relations; and the chief of the division of labor shall be the representative of the division of labor. Such representatives shall meet at a place to be designated by them at least once each month or oftener at the call of any two members. At their first meeting which shall be held during the month of October, 1921, they shall organize by electing one member as chairman and one as secretary. It shall be the duty of the secretary to keep a minute record of the proceedings of each meeting.

At each meeting of the department there shall be presented for determination all problems, involving conflict of authority or activity of two or more divisions and the department shall hear, consider, and act upon any complaint or complaints of duplication of activities.

Rules
governing
divisions.

364b. The said department of labor and industrial relations shall make and promulgate rules and regulations that will eliminate overlapping and duplication of the activities of the several divisions and may provide for the transfer of functions and activities from one division to another in the interest of the betterment of the service of such division or divisions.

364c. From and after the date upon which this act takes effect, the funds now made, or which hereafter may be made available for the support of the industrial accident commission shall be transferred to the division of workmen's compensation insurance and safety; the funds now made, or which may hereafter be made available for the support of the commission of immigration and housing shall be transferred to the division of immigration and housing; the funds now made, or which may hereafter be made, available for the support of the industrial welfare commission shall be transferred to the division of industrial welfare; the funds now made, or which may hereafter be made available for the support of the commissioner of labor statistics and the bureau of labor statistics shall be transferred to the division of labor; *provided, however,* that the department of industrial relations may by majority vote, and with the approval of the state board of control, transfer moneys from one division to another in such amounts as the department may determine to be necessary, to pay the cost and expenses of performing or carrying out any duty or activity so transferred.

Transfer of funds.

364d. The department of labor and industrial relations shall submit a report to the governor and to the forty-fifth session of the legislature embodying a complete plan of reorganization and departmentalization of the activities herein mentioned.

Report on reorganization.

CHAPTER 605.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two c, embracing sections three hundred sixty-two to three hundred sixty-two c, both inclusive, relating to a department of education.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered article two c, embracing sections three hundred sixty-two to three hundred sixty-two c, and to read as follows:

ARTICLE IIc.

DEPARTMENT OF EDUCATION.

362. A department of the government of the State of California to be known as the department of education is hereby created. The department shall be conducted under the control of an executive officer to be known as director of education, which office is hereby created. The state superintendent of

Department of education created.

Director.

public instruction shall be ex officio director of education. Except as otherwise in this article prescribed, the provisions of article two of this chapter, title and part of the Political Code, as adopted at the forty-fourth session of the legislature and as the same may be amended from time to time, shall govern and apply to the conduct of the department of education in every respect the same as if such provisions were herein set forth at length, and wherever in said article two the term "head of the department," "head of a department," or similar designation occurs, the same shall, for the purposes of this article, mean the director of education.

362a. The work of the department is hereby divided into at least two divisions to be known as:

Division
of
textbooks,
certification,
and trust
funds.

1. Division of textbooks, certification and trust funds, to be in charge of the state board of education, which board is hereby continued in force with all the powers and functions heretofore conferred upon it by law and the members thereof shall receive the compensation now allowed by law. In addition, said board is hereby vested with certain powers and functions, elsewhere in this article mentioned, in respect to the conduct of normal school or teachers' colleges and special schools.

Division
of normal
and
special
schools.

2. Division of normal and special schools, to perform the functions heretofore conferred by law upon the boards of trustees of the several state normal schools or teachers' colleges, the California Polytechnic School and the California School for the Deaf and the Blind, to be in charge of the director of education for purposes of administration; *provided, however*, that the principal or president of the faculty of each such school shall be appointed by the director of education subject to the approval of the state board of education. The other members of the teaching staff of each such school and all officers and employees thereof shall be appointed by the director of education subject to the approval of the state board of education only upon recommendation of said principal or president, except that temporary appointments may be made by director of education to remain in force until the next meeting of the board of education. The state board of education is also invested with all the powers conferred by law on the boards of trustees of the several state normal schools or teachers' colleges in so far as they relate to the enactment of rules and regulations and to the revocation of diplomas.

Powers
vested in
department.

362b. The department of education shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction of the state board of education, boards of trustees of the several state normal schools, or teachers' colleges board of trustees of the California Polytechnic School, board of directors of the California School for the Deaf and the Blind, and of the several officers, deputies and employees of such bodies and offices; and, except as herein otherwise provided, whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon any of

said bodies, offices, officers, deputies or employees, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of education with the same force and effect as though the title of the department of education had been specifically set forth and named therein.

The department of education shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers whose duties, powers, purposes, responsibilities and jurisdiction are transferred to and vested in the department of education.

362c. The following named bodies and offices and the positions of all deputies, officers and employees thereunder are and each of them is hereby abolished: the boards of trustees of the several state normal schools, or teachers' colleges of the California Polytechnic School, and of the California School for the Deaf and the Blind; but the statutes and laws under which they existed, and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, together with all lawful rules and regulations established thereunder, are hereby expressly continued in force; *provided, however*, that the presidents, principals, officers, and employees of the respective normal and special schools in office when this act becomes effective shall continue to serve their respective terms or contracts of employment unless removed for cause.

Bodies and
offices
abolished.

362d. The department of education is hereby invested with the power and is charged with the duty of administering and enforcing all laws now or hereafter imposing any duty, power or function upon any of the bodies, offices, officers, deputies or employees herein transferred to said department.

Enforcement
of laws.

362e. From and after the date upon which this act takes effect, the department shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of any of the statutes enumerated in this article or for the use, support, or maintenance of any board, commission, office or officer that is abolished by the provisions of this article and whose duties, powers and functions are, by the provisions of this article, transferred to and conferred upon the department of education; *provided, however*, that the funds of the state board of education in respect to functions retained by it, including such funds as are now or hereafter may be entrusted to said board for administration, and the funds of the superintendent of public instruction shall be administered as heretofore.

Expendi-
tures by
department.

CHAPTER 606.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two b, embracing sections three hundred sixty-one to three hundred sixty-one d, both inclusive, relating to a department of agriculture.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered article two b, embracing sections three hundred sixty-one to three hundred sixty-one e, and to read as follows:

ARTICLE IIb.

DEPARTMENT OF AGRICULTURE.

Department
of
agriculture.

361. A department of the government of the State of California to be known as the department of agriculture is hereby created. The department shall be conducted under the control of an executive officer to be known as director of agriculture, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor, and shall receive a salary of five thousand dollars per annum. Before entering upon the duties of his office, the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. Except as otherwise in this article prescribed, the provisions of article two of this chapter, title and part of the Political Code, as adopted at the forty-fourth session of the legislature and as the same may be amended from time to time, shall govern and apply to the conduct of the department of agriculture in every respect the same as if such provisions were herein set forth at length.

Divisions.

361a. For the purpose of administration, the department shall be forthwith organized by the director in such manner as, with the approval of the governor, shall be deemed necessary to properly segregate and conduct the work of the department. The work of the department shall be organized into at least five divisions to be known respectively as the division of plant industry, the division of agricultural chemistry, the division of animal industry, the division of markets, and the division of weights and measures. The director, with the approval of the governor, may create such other divisions and subdivisions as may be necessary, and change or abolish the same from time to time with the approval of the governor. The director shall act as chief of one of the divisions without additional compensation. The chief of the

division of agricultural chemistry shall receive an annual salary of four thousand dollars; the chief of the division of animal industry shall receive an annual salary of four thousand dollars; the chief of the division of plant industry shall receive an annual salary of four thousand dollars; the chief of the division of markets shall receive an annual salary of five thousand dollars, and the chief of the division of weights and measures shall receive an annual salary of four thousand dollars.

361b. The department of agriculture except as in this act otherwise provided shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction of the state commissioner of horticulture, state board of horticultural examiners, state dairy bureau, state veterinarian, stallion registration board, state board of viticultural commissioners, board of citrus fruit shipments, cattle protection board, state superintendent of weights and measures, state market director, state market commission, and of the several officers, deputies and employees of such bodies and offices; and, whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon any of said bodies, offices, deputies, or employees, or upon any other person by any statute, the enforcement of which is transferred to the department, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of agriculture and the appropriate officers thereof with the same force and effect as though the title of said department of agriculture had been specifically set forth and named therein; in lieu of the names of any such board, commission, office, officer, deputy or employee thereof as the case may be. Said bodies and offices, the duties, powers, purposes and responsibilities of which are so transferred to and vested in the department of agriculture and the positions of all officers, deputies and employees thereunder are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes and responsibilities and jurisdiction together with all lawful rules and regulations established thereunder, are hereby expressly continued in force. The department of agriculture shall also be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers.

361c. The department of agriculture is hereby invested with the power and is charged with the duty of administering and enforcing the following laws.

To act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infractions thereof, and means for the enforcement

Powers
transferred
to
department.

Laws to be
enforced by
department.

of the act, approved March 20, 1903, and all acts amending or supplementing said act;

An act to prevent the propagation by the production of seed of that certain plant known as *Sorghum halepense*, otherwise known as Johnson grass, approved March 20, 1903, and all acts amending or supplementing said act;

An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes and to provide penalties for the infraction thereof and to appropriate money therefor, approved May 1, 1911, and all acts amending or supplementing said act;

An act to regulate the production of certified milk, cream, ice cream, butter and cheese; and repealing an act entitled "An act to regulate the production of certified milk," approved March 18, 1909, and all acts and parts of acts inconsistent with this act, approved April 25, 1913, and all acts amending or supplementing said act;

An act prohibiting the destruction of foodstuffs, food products or food articles, approved June 5, 1913, and all acts amending or supplementing said act;

And all other laws now or hereafter imposing any duty, power or function upon any of the bodies, offices, officers, deputies or employees herein transferred to said department.

Expenditures by department.

361*d*. From and after the date upon which this act takes effect, the department of agriculture shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes the administration of which is committed to the department, or for the use, support, or maintenance of any board, commission, office or officer that is abolished by the provisions of this article and whose duties, powers and functions are, by the provisions of this article, transferred to and conferred upon the department of agriculture. Such expenditures by the department shall be made in accordance with law in carrying on the work for which such appropriations were made or such special funds created.

Continuation of existing law.

SEC. 2. This act in so far as it does not add to, take from, or alter an existing law shall be construed as a continuation thereof.

CHAPTER 607.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two d, embracing sections three hundred sixty-three to three hundred sixty-three h, both inclusive, relating to a department of public works.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered article two d, embracing sections three hundred sixty-three to three hundred sixty-three h, and to read as follows:

ARTICLE II d.

DEPARTMENT OF PUBLIC WORKS.

363. A department of the government of the State of California to be known as the department of public works is hereby created. The department shall be conducted under the control of an executive officer to be known as the director of public works, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor and shall receive a salary of not to exceed ten thousand dollars per annum. The director shall act as chief of the division of highways, without additional compensation. He shall be state highway engineer. Before entering upon the duties of his office, he shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. Except as otherwise in this title and part of the Political Code as adopted at the forty-fourth session of the legislature, and as the same may be amended from time to time, shall govern and apply to the article prescribed, the provisions of article two of this chapter, conduct of the department of public works in every respect the same as if such provisions were herein set forth at length. Whenever in said article two the term "head of the department," "head of a department" or similar designation occurs the same shall for the purposes of this article mean the director of public works, except that in respect to matters under the jurisdiction of the California highway commission, such term or designation shall mean said California highway commission.

363a. For the purpose of administration, the department shall be forthwith organized by the director of public works in such manner as with the approval of the governor shall be deemed necessary to properly segregate and conduct the

work of the department. The work of the department is hereby divided into at least five divisions to be known respectively as the division of highways, the chief of which division shall be the executive officer of the California highway commission, the division of engineering and irrigation, the division of water rights, the division of land settlement and the division of architecture. The director of public works with the approval of the governor may create such other divisions and subdivisions as may be necessary and change or abolish the same from time to time with the approval of the governor. The chief of the division of engineering and irrigation shall be and is hereby designated as the state engineer and shall receive an annual salary of five thousand dollars. The chief of the division of water rights shall receive an annual salary of five thousand dollars, the chief of the division of land settlement shall receive an annual salary of five thousand dollars, the chief of the division of architecture shall receive an annual salary of four thousand eight hundred dollars.

Board of
public
works.

363b. A board of public works is hereby created, to consist of the director of public works and the three members of the California highway commission. Said board shall succeed to the duties and responsibilities of the advisory board to the department of engineering, insofar as they relate to the issuance of highway bonds and to the refunding of interest charges against counties arising out of expenditures of state highway bond proceeds within their respective limits.

Board of
review.

363c. For all quasi judicial functions relating to irrigation or water rights the director may appoint a board of three engineers of the department to sit as a board of review or appeal wherever a review or appeal, other than review by or appeal to the courts, is provided for under the laws relating to any of the boards, officers or commissions whose functions are transferred to the department.

California
highway
commis-
sion.

363d. The California highway commission is hereby created to consist of three members to be appointed by and hold office at the pleasure of the governor. Each member is to receive a salary of three thousand six hundred dollars per annum. The governor shall designate the chairman of this commission, and shall fill vacancies occurring from any cause in the membership thereof. The chairman of said California highway commission shall be a member of the highway finance board.

Duties
transferred
to
department.

363e. Except as in this article otherwise provided the department of public works shall succeed to and is hereby invested, with all the duties, powers, purposes, responsibilities and jurisdiction of the state Carey act commission, advisory board to the state Carey act commission, state engineer, state land settlement board (provided, that said land settlement board is hereby continued as an advisory board to the department in matters relating to land settlement), the state water

commission, the state highway engineer and the department of engineering, and of the several officers, deputies and employees of such bodies and offices; and whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon any of said bodies, officers, officers, deputies or employees, or upon any other person by any statute, the enforcement of which is transferred to the department, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of public works and the appropriate officers thereof with the same force and effect as though the title of said department of public works had been specifically set forth and named therein, in lieu of the names of any such board, commission, office, officer, deputy or employee thereof as the case may be. For the purposes of this article, the terms "state Carey act commission" "advisory board to the state Carey act commission" "state engineer" "state highway engineer" "state department of engineering" "state land settlement board" and "the advisory board to the department of engineering" shall be construed to mean and refer to the "department of public works"; and wherever in any statute or law the term "member of state Carey act commission" "member of advisory board to the state Carey act commission" "member of state department of engineering" "member of the state land settlement board" and "member of the advisory board to the department of engineering" is used, it shall be construed to mean and refer to the "department of public works" and the appropriate officers thereof, and whenever in any statute or law the term "executive member of the state water commission" or "state water commission" is used, it shall be construed to mean and refer to the chief of the division of water rights, except as otherwise provided in this article.

Except as in this article otherwise provided, said bodies and offices the duties, powers, purposes, responsibilities and jurisdiction of which are so transferred to and vested in the department of public works, and the positions of all officers, deputies and employees thereunder are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction together with all lawful rules and regulations established thereunder, are hereby expressly continued in force. The department of public works shall also be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers; *provided, however,* that the California highway commission hereby created shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropria-

Duties transferred to department.

tions, land or other property, real or personal, now or hereafter held for the benefit or use of the appointed members of the advisory board of the state department of engineering, formerly designated as the California highway commission.

Duties transferred to California highway commission.

363*f*. The California highway commission hereby created shall succeed to, and is hereby invested with all the duties, powers, purposes and responsibilities and jurisdiction of the appointed members of the advisory board to the department of engineering which formerly composed a subdivision of the department of engineering designated as the California highway commission. Whenever by the provisions of any statute or law now in force or that may be hereafter enacted, a duty is imposed or authority conferred upon the California highway commission, such duty and authority are hereby transferred to, imposed and conferred upon the California highway commission hereby created. For the purposes of this article, the term "California highway commission" shall be construed to mean and refer to the "California highway commission" hereby created, and wherever in any statute or law the term "appointed member of the advisory board to the state department of engineering" or "member of the California highway commission" is used, it shall be construed to mean and refer to the members of the "California highway commission" hereby created.

Enforcement of laws.

363*g*. The department of public works is hereby invested with the power, and is charged with the duty of administering and enforcing all laws now or hereafter imposing any duty, power or function upon any offices, officers, deputies or employees herein transferred to said department.

Expenditures by department.

363*h*. From and after the date upon which this act takes effect, the department of public works shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes the enforcement of which is committed to the department or for the use, support, or maintenance of any board, commission, office or officer that is abolished by the provisions of this article and whose duties, powers and functions are, by the provisions of this article, transferred to and conferred upon the department of public works; *provided, however*, that the California highway commission hereby created is in like manner hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury, now remaining or made available by law for the use, support or maintenance of the appointed members of the advisory board to the department of engineering, formerly designated as the California highway commission. Such expenditures by the department or commission shall be made in accordance with law in carrying on the work for which such appropriations were made or such special funds created.

CHAPTER 608.

An act to amend sections two, three, four, eight, eleven, thirteen and fifteen of an act entitled "An act defining mattresses; regulating the making, remaking and sale thereof; prohibiting the use of insanitary and unhealthy materials therein; requiring that materials used shall be accurately described and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two of the act entitled "An act defining Stats. 1915, p. 1207, amended. mattresses; regulating the making, remaking and sale thereof; prohibiting the use of insanitary and unhealthy materials therein; requiring that materials used shall be accurately described and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, is hereby amended to read as follows:

Sec. 2. (1) No person or corporation, by himself or by his agents, servants or employees, shall employ or use in the making, remaking or renovating of any mattress, any material of any kind that has been used in or has formed a part of, any mattress used in or about any public or private hospital, or institution for the treatment of persons suffering from disease, or for or about any person having any infectious or contagious disease; any material known as "shoddy," and made in whole or in part from old or worn clothing, carpets or other fabric, or material previously used, or any other fabric or material from which shoddy is constructed; any material, not otherwise prohibited by this act, of which prior use has been made; unless any and all of said materials have been thoroughly sterilized, and disinfected by a reasonable process, approved by the state board of health of the State of California.

(2) No person or corporation by himself or by his agents, servants or employees, shall sell, offer to sell, deliver or consign, or have in his possession with intent to sell, deliver or consign any mattress made, remade or renovated in violation of subsection one of this section. Selling certain mattresses prohibited.

Stats. 1915, p. 1207, amended. Mattresses must be labeled.

SEC. 2. Section three of said act, approved June 7, 1915, is hereby amended to read as follows:

SEC. 3. No person or corporation, by himself; or his agents, servants, or employees, shall directly or indirectly, at wholesale or retail, or otherwise, sell, offer for sale, deliver, or consign, or have in his possession with intent to sell, deliver or consign, any mattress that shall not be plainly and indelibly stamped or printed thereon, or upon a muslin or linen tag, not smaller than three inches square, securely sewed to the covering thereof a statement, in the English language, setting forth the kind or kinds of materials used in filling the said mattress, and whether the materials are in whole or in part, new or old, or second-hand, or shoddy, and the name and address of the manufacturer or vendor thereof, or both; also the quantity of such materials used, expressed in terms of avoirdupois weight; also size of same, expressed in linear measure, clearly indicating the length and breadth thereof, except that tags attached to comforters need state only the percentage of new material and (or) shoddy material, and that no sizes need be marked on same.

Stats. 1915, p. 1208, amended. "Felt."

SEC. 3. Section four of said act, approved June 7, 1915, is hereby amended to read as follows:

SEC. 4. Whenever the word "felt," as applied to cotton, is used in the said statement concerning any materials, it shall be indicated in said statement whether said felt is "felted cotton" or "felted linters." This section shall not apply to comforters.

Stats. 1915, p. 1208, amended.

SEC. 4. Section eight of said act, approved June 7, 1915, is hereby amended to read as follows:

Percentage of materials used.

SEC. 8. Any mattress made from more than one new material shall have stamped upon the tag attached thereto the percentage of each material so used. The provisions of this section shall not apply to comforters.

Stats. 1915, p. 1208, amended.

SEC. 5. Section eleven of said act, approved June 7, 1915, is hereby amended to read as follows:

Form of label.

SEC. 11. The statement required under section three of this act shall be the following form:

MATERIALS USED IN FILLING.

Percentage of kinds of materials-----
Gross weight of materials, including cover-----pounds.
Vendor -----
Address -----

This article is made in compliance with the act of the State of California, approved the ----- day of -----.

Stats. 1915, p. 1209, amended.

SEC. 6. Section thirteen of said act, approved June 7, 1915, is hereby amended to read as follows:

Unit for separate offense.

SEC. 13. The unit for a separate and distinct offense in violation of this act shall be each and every mattress made, remade, renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver or consign, contrary to the provisions hereof. No provisions of this act shall apply

to merchandise manufactured for use and sale outside of the State of California, excepting section two, relating to the sterilization of second-hand or shoddy materials.

SEC. 7. Section fifteen of said act, approved June 7, 1915, is hereby amended to read as follows: Stats. 1915, p. 1209, amended.

Sec. 15. The enforcement of the provisions of this act shall be under the supervision of the state superintendent of weights and measures. Enforcement.

CHAPTER 609.

An act validating the proceedings on the formation and organization of sewer district number one of the city of Burbank, under the provisions of an act of the legislature entitled "An act to provide for the division of municipalities into sewer districts, and for the construction of, or acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such construction of, or acquisition and also for the payment of such bonds," approved April 14, 1911, as amended, and for the issuance of sewer district number one bonds of the city of Burbank, authorized at a special election held in said city, February 23, 1921, and establishing such sewer district.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The proceedings on formation and organization of sewer district number one of the city of Burbank under the provisions of an act of the legislature entitled "An act to provide for the division of municipalities into sewer districts, and for the construction of, or acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such construction of, or acquisition and also for the payment of such bonds," approved April 14, 1911, as amended, and for the issuance of sewer district number one bonds of the said city of Burbank in the sum of one hundred forty thousand dollars, authorized at a special election held in said city of Burbank of Los Angeles county, State of California, on February 23, 1921, and all the acts and proceedings leading up to and including the authorization and issuance of said bonds, and in the matter of the organization, formation and establishment of such sewer district and the boundaries established by the trustees of the said city of Burbank are hereby legalized, ratified, authorized and validated to all intents and purposes and the said district is in all respects declared valid; and the boundaries of said district are hereby established to wit: Sewer district number one, city of Burbank, validated.

Boundaries.

Beginning at the intersection of the easterly boundary line of the city of Burbank with the center line of Crescent street, a public street in said city of Burbank; thence in a northerly direction along the said easterly boundary line of the said city of Burbank to the northeast corner of the city of Burbank; thence in a westerly direction along the northerly boundary line of the city of Burbank to the intersection of the said northerly boundary line of the said city of Burbank with the easterly line of Holly avenue, a public street in said city of Burbank; thence in a southerly direction along the easterly line of said Holly avenue to the intersection of said easterly line of Holly avenue with the northerly line of Sixth street, a public street in said city; thence in a westerly direction in a straight line to the northwesterly corner of lot six of block one hundred two of the rancho Providencia and Scott tract as per maps recorded in book 17 at page 15, and in book 43 at page 47, both of miscellaneous records of Los Angeles county, California; thence southerly along the westerly line of said lot six of said block one hundred two of said rancho Providencia and Scott tract and the southerly prolongation thereof to the intersection of the southerly prolongation of the westerly line of said lot six with the center line of Fourth street, a public street, in said city of Burbank; thence westerly along the said center line of Fourth street to the intersection thereof with the center line of Scott road, a public street in the city of Burbank; thence in a westerly direction in a straight line to the most northeasterly corner of lot twenty-six of tract number three thousand ninety-seven, in the city of Burbank, said tract being a subdivision of a portion of lots one and two of fractional section two, township one north, range fourteen west, San Bernardino base and meridian; thence in a northwesterly direction along the easterly boundary lines of lots twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three of said tract number three thousand ninety-seven to the most northerly corner of said lot thirty-three; thence westerly along the northerly line of said lot thirty-three to the northwesterly corner of said lot thirty-three; thence southerly along the westerly line of said tract number three thousand ninety-seven to the southwesterly corner of said tract; thence easterly along the southerly boundary line of said tract to the southeasterly corner thereof; thence in an easterly direction in a straight line to the intersection of the center line of Scott road with the easterly prolongation of the southerly line of said tract number three thousand ninety-seven, thence southerly along the center line of said Scott road to the intersection of said center line thereof with the southerly line of Central avenue, a public street in said city; thence westerly along the said southerly line of said Central avenue to the intersection thereof with the northerly line of the right of way of the Southern Pacific Railway Company in said city; thence in

an easterly direction along the northerly line of said right of way to the intersection thereof with the westerly line of Cypress avenue, a public street in said city; thence in an easterly direction in a straight line to the intersection of the northerly line of said right of way of said Southern Pacific Railway Company with the easterly line of said Cypress avenue; thence in an easterly direction along the northerly line of said right of way to the intersection thereof with the westerly line of Magnolia avenue, a public street in said city; thence in an easterly direction in a straight line to the intersection of the said northerly line of said right of way with the easterly line of said Magnolia avenue; thence in an easterly direction along the said northerly line of said right of way to the intersection thereof with the westerly line of Olive avenue, a public street in said city; thence in an easterly direction in a straight line to the intersection of the easterly prolongation of the said northerly line of said right of way with the center line of said Olive avenue; thence in a southerly direction along the center line of said Olive avenue in said city to the intersection thereof with center line of Main street, a public street of said city; thence in an easterly direction along the center line of said Main street to the intersection thereof with the center line of Alameda avenue, a public street in said city; thence in a northerly direction along the center line of Alameda avenue to the intersection thereof with the center line of Crescent street, a public street in said city; thence in an easterly direction along the center line of said Crescent street to the point of beginning.

And all said bonds when issued and sold, as in said act provided, shall be and are hereby declared to be legal and valid and said bonds by their issuance shall be conclusive evidence of the legality of all proceedings leading up thereto and that they were duly authorized at said election.

CHAPTER 610.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two g, embracing sections three hundred sixty-six to three hundred sixty-six e, both inclusive, relating to a department of institutions.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof,

to be numbered article two *g*, embracing sections three hundred sixty-six to three hundred sixty-six *c*, and to read as follows:

ARTICLE II*g*.

DEPARTMENT OF INSTITUTIONS.

Department
of institu-
tions
created.

366. A department of the government of the State of California to be known as the department of institutions is hereby created. The department shall be conducted under the control of an executive officer to be known as director of institutions which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor and shall receive a salary of five thousand dollars per annum. Before entering upon the duties of his office the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. Except as in this article otherwise prescribed, the provisions of article two of this chapter, title and part of the Political Code as adopted at the forty-fourth session of the legislature, and as the same may be amended from time to time, shall govern and apply to the conduct of the department of institutions in every respect the same as if such provisions were herein set forth at length.

Divisions.

366*a*. For the purpose of administration the department shall be forthwith organized by the director in such manner as with the approval of the governor shall be deemed necessary to properly segregate and conduct the work of the department. The director with the approval of the governor may create such divisions and subdivisions as may be necessary and change or abolish the same from time to time.

Superin-
tendents
of state
institutions.

366*b*. The director shall have power to appoint the superintendent or executive officer of each institution and define his duties and with the approval of the governor fix his salary. The appointment of the superintendent of state hospitals for the insane and Sonoma State Home shall be made in accordance with the qualifications and examination provided for in section two thousand one hundred fifty-two of the Political Code.

Duties
transferred
to
department.

366*c*. The department of institutions shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction of the board of directors of the Industrial Home for the Adult Blind, the board of managers of the Stockton State Hospital, the board of managers of the Napa State Hospital, the board of managers of the Agnews State Hospital, the board of managers of the Mendocino State Hospital, the board of managers of the Southern California State Hospital, the board of managers of the Norwalk State Hospital, the board of managers of the Sonoma State Home, the board of trustees of the Pacific Colony, the board of trustees of the Industrial Farm for Women, the general superintendent of state hospitals, the state commission in lunacy, the board of trustees of the Whittier State School, the board of trustees of the Preston School of Industry, the board of trustees of the California School for Girls, the state dental surgeon, and of the several officers, deputies and employees

of such bodies and offices; and whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty is imposed or authority conferred upon any of said bodies, offices or officers such duty and authority are hereby imposed and conferred upon the department of institutions and the director and officers thereof, the same as though the title of the department of institutions had been specifically set forth and named therein in lieu of the name of any such board, commission, office, officer, deputy, or employee thereof, as the case may be. The offices of general superintendent of state hospitals, state commission in lunacy, state dental surgeon and the positions of all deputies, officers and employees under the several bodies, offices and officers whose duties, powers, purposes, responsibilities and jurisdiction are so succeeded to by and vested with the department of institutions are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction are hereby expressly continued in force. The department of institutions shall also succeed to and be in control of all records, books, papers, officers, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers.

366d. The boards of directors, managers and trustees of the several state hospitals and the Sonoma State Home, the Pacific Colony, the Industrial Home for the Adult Blind, the California Industrial Farm for Women, the California School for Girls, the Preston School of Industry and the Whittier State School are hereby respectively continued in force and constituted advisory boards to the department of institutions with power of visitation and advice only in respect to the conduct of said several institutions. The members of said boards shall serve without compensation other than necessary expenses incurred in the performance of duty. *They shall meet once every three months and at such other times as they may be called by the head of the department. No expenses shall be allowed except in connection with meetings so held.

366e. From and after the date upon which this act takes effect the department of institutions shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes the administration of which is committed to the department, or for the use, support, or maintenance of any board, commission, office or officer whose duties, powers, and functions are by the provisions of this article transferred to and conferred upon the department of institutions. Such expenditures by the department shall be made in accordance with law in carrying on the work for which such appropriations were made or such special funds created.

Boards
continued
in force.

Expendi-
tures by
department.

CHAPTER 611.

An act to recognize and declare valid reclamation district number one thousand six hundred eighteen, in the county of Kings, State of California.

[Approved May 31, 1921. In effect July 30, 1921.]

The people of the State of California do enact as follows:

Reclamation
district
1618, Kern
county,
validated.

SECTION 1. Reclamation district number one thousand six hundred eighteen, in the county of Kings, State of California, as formed by the reorganization and consolidation of reclamation district number one thousand six hundred sixteen, reclamation district number one thousand six hundred seventeen, reclamation district number one thousand six hundred eighteen and Perrine reclamation district number seven hundred forty-three, by notice of reorganization and consolidation filed with the county recorder of the county of Kings, State of California, in accordance with the provisions of section three thousand four hundred eighty-nine of the Political Code, on April 19, 1919, and as now existing, or as the boundaries thereof may hereafter be modified according to law, is hereby recognized and declared a valid reclamation district with all the powers and authority vested in reclamation districts, and all proceedings on formation, organization, reorganization and consolidation of said district, and of the several reclamation districts which were so reorganized and consolidated, are hereby approved and in all respects declared valid.

CHAPTER 612.

An act to repeal an act entitled "An act providing for the examination, certification and registration of plumbers, prescribing powers and duties of the state board of health in reference thereto, and penalties for a violation of the provisions hereof," approved April 6, 1917.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 73,
repealed.

SECTION 1. The act entitled "An act providing for the examination, certification and registration of plumbers, prescribing powers and duties of the state board of health in reference thereto, and penalties for violation of the provisions hereof," approved April 6, 1917, is hereby repealed.

CHAPTER 613.

An act to repeal an act entitled "An act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which became a law without the governor's approval February 27, 1901.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which became a law without the governor's approval February 27, 1901, is hereby repealed. Stats. 1901, p. 56, repealed.

CHAPTER 614.

An act to abolish the committee to investigate the date of the discovery of gold appointed under the provisions of assembly concurrent resolution number fifteen, filed with the secretary of state April 19, 1917.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The committee appointed under the provisions of assembly concurrent resolution number fifteen, filed with the secretary of state April 19, 1917, is hereby abolished. Committee abolished.

CHAPTER 615.

An act to repeal an act entitled "An act to establish the California state reformatory; to provide for purchase of land therefor, and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor," approved April 24, 1911.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act to establish the California state reformatory; to provide for purchase of land therefor, and the construction of buildings and other improvements in connection therewith; to provide for the commitment Stats. 1911, p. 1088, repealed.

and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make appropriation therefor," approved April 24, 1911, is hereby repealed.

Control of
lands by
department
of finance.

SEC. 2. The management and control of any lands acquired by the State of California under the provisions of the act hereby repealed are hereby vested in the state department of finance.

CHAPTER 616.

An act to repeal an act entitled "An act to provide for the obtainment, preservation, and distribution of vaccine matter," approved March 27, 1852.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Stats. 1852,
p. 138,
repealed.

SECTION 1. An act entitled "An act to provide for the obtainment, preservation, and distribution of vaccine matter," approved March 27, 1852, is hereby repealed.

CHAPTER 617.

An act to repeal an act entitled "An act to provide a state hospital and asylum for miners," approved March 14, 1881.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Stats. 1881,
p. 81,
repealed.

SECTION 1. An act entitled "An act to provide a state hospital and asylum for miners," approved March 14, 1881, is hereby repealed.

CHAPTER 618.

An act to repeal an act entitled "An act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 15, 1901.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Stats. 1901,
p. 200,
repealed.

SECTION 1. An act entitled "An act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 15, 1901, is hereby repealed.

CHAPTER 619.

An act to repeal an act entitled "An act to provide for a state board of arbitration for the settlement of differences between employers and employees, to define the duties of said board, and to appropriate the sum of twenty-five thousand dollars therefor," approved March 10, 1891.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act to provide for a state board of arbitration for the settlement of differences between employers and employees, to define the duties of said board, and to appropriate the sum of twenty-five thousand dollars therefor," approved March 10, 1891, is hereby repealed. Stats. 1891
p. 40,
repealed.

CHAPTER 620.

An act to repeal an act entitled "An act to provide for analyzing the minerals, mineral waters, and other liquids, and the medicinal plants of the State of California, and of foods and drugs, to prevent the adulteration of the same," approved March 9, 1885.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act to provide for analyzing the minerals, mineral waters, and other liquids, and the medicinal plants of the State of California, and of foods and drugs, to prevent the adulteration of the same," approved March 9, 1885, is hereby repealed. Stats. 1885,
p. 43,
repealed.

CHAPTER 621.

An act to repeal an act entitled "An act authorizing the governor to appoint a commission to investigate and advise the legislature concerning the adoption of a system of social insurance, and to make a report to the forty-third session of the legislature and making an appropriation therefor," approved May 14, 1917.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Stats 1917,
p 468,
repealed.

SECTION 1. The act entitled "An act authorizing the governor to appoint a commission to investigate and advise the legislature concerning the adoption of a system of social insurance, and to make a report to the forty-third session of the legislature and making an appropriation therefor," approved May 14, 1917, is hereby repealed.

CHAPTER 622.

An act to amend section four thousand two hundred forty-three of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the fourteenth class, and fixing their mileage and per diem of grand and trial jurors in such counties.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-three of the Political Code is hereby amended to read as follows:

Counties of
14th class,
salaries of
officers.

4243. In counties of the fourteenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, two thousand seven hundred dollars per annum and such fees as are allowed by law; *provided*, that he shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum, two courtroom deputies at a salary of one thousand five hundred dollars per annum each, two office deputies at one thousand five hundred dollars per annum each, and one copyist at a salary of one thousand two hundred dollars per annum, whose duty it shall be to act as copyist for the county clerk as such, as well as for the clerk as ex officio clerk of the board of supervisors and do copying work when required by the board of supervisors; and deputy clerks not to exceed three in number for the purpose of registering electors in the office of the county clerk, to be paid at

not to exceed seventy-five dollars per month each; *provided*, that such deputies so employed for registering electors shall not be employed except during a year when a general election is held throughout the state and said deputies shall be employed only between the first day of January and the first day of December of such years; one or more deputies for the purpose of registering electors in said years, who shall receive a compensation of ten cents for each elector legally registered by them, and shall receive no other compensation or expenses. Each of said deputies to be paid at the same time and in the same manner as county officers are paid.

2. The sheriff, two thousand five hundred dollars per annum; *provided*, he shall appoint one under sheriff at a salary of one thousand nine hundred eighty dollars per annum and four deputy sheriffs at a salary of one thousand eight hundred dollars per annum each; one deputy sheriff at a salary of one thousand two hundred dollars per annum; and one deputy sheriff to be paid for only between June first and October first each year (four months), at a salary of one hundred dollars per month; and a person to act as matron of the county jail at a salary of one hundred dollars per month. Said under-sheriff and each of said deputies and assistants shall be paid at the same time and in the same manner as county officers are paid. The sheriff shall also receive such fees as are allowed sheriffs by section four thousand three hundred b of the Political Code of the State of California, except that for traveling in the service of any paper required by law to be served, in either civil or criminal process or proceeding for each mile actually and necessarily traveled, one way only, twenty cents. No constructive mileage to be allowed.

3. The recorder, two thousand seven hundred dollars per annum; *provided*, that the recorder shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars, four copyists at a salary of one thousand eighty dollars each per annum, to be paid at the same time and in the same manner as county officers are paid.

4. The auditor two thousand seven hundred dollars per annum; *provided*, that the expenses incurred, if any, in making extensions of assessments and tax rolls shall be paid out of said sum of two thousand seven hundred dollars, compensation above mentioned; *and provided, further*, that said auditor shall appoint one deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum, and two copyists at a salary of one thousand eighty dollars per annum each, to be paid at the same time and in the same manner as county officers are paid.

5. The treasurer, two thousand five hundred eighty dollars per annum, and such fees as are now or may hereafter be allowed by law; *provided*, that the treasurer shall appoint one deputy at a salary of one thousand five hundred dollars

per annum, to be paid at the same time and in the same manner as county officers are paid.

Tax
collector.

6. The tax collector, three thousand dollars per annum; *provided*, that said tax collector shall appoint one revenue and taxation deputy at a salary of one thousand five hundred dollars per annum; *and provided, further*, that he shall appoint one stenographer to be paid only between July first and January first of each year, at a salary of seventy-five dollars per month; *and provided, further*, that he shall be allowed additional help to be employed by him when needed, at an expense of not to exceed the sum of one thousand three hundred fifty dollars in any one year, to be paid at the same time and in the same manner as county officers are paid.

Assessor.

7. The assessor, three thousand dollars per annum; *provided*, that the assessor shall appoint one assistant assessor at a salary of one thousand eight hundred dollars per annum, one chief deputy at a salary of one thousand six hundred twenty dollars per annum and one title transfer deputy at a salary of one thousand three hundred twenty dollars per annum, one draftsman at a salary of one thousand three hundred twenty dollars per annum, one property ownership deputy at a salary of one thousand three hundred twenty dollars per annum, and one office deputy at a salary of one thousand three hundred twenty dollars per annum. The salaries of which deputies shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The assessor may also appoint as many deputies as may be necessary to carry on his work at an expense to the county not to exceed four thousand dollars during any fiscal year. The salaries of which last named deputies shall be paid at the same time and in the same manner and from the same fund as the assessor is paid. The amount of each of which payments shall be determined by the auditor from a certificate furnished by the assessor showing the person and amount to which payments are due and the period of time for which compensation is made, or, the salaries of said deputies may be paid by claim presented to the board of supervisors in regular form and approved by the assessor. the total amount of which claims, however, shall not exceed the sum of four thousand dollars above mentioned, for any one fiscal year. The assessor shall also receive six per cent of the personal property tax collected by him and the amount allowed by law for making out the military roll.

District
attorney.

8. The district attorney, three thousand dollars per annum; *provided*, that he shall appoint one assistant district attorney at a salary of two thousand four hundred dollars per annum, and one deputy district attorney at a salary of one thousand eight hundred dollars per annum, and one stenographer at a salary of one thousand two hundred dollars per annum; said assistant, deputy and stenographer to be paid at the same time and in the same manner as county officers are paid.

9. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, that the coroner shall appoint one stenographer at a salary of six hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, three thousand dollars per annum, and actual traveling expenses when visiting schools of his county; *provided*, such superintendent of schools may appoint an assistant superintendent of schools at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of one thousand two hundred dollars per annum, payable at the same time and in the same manner as county officers are paid. Superintendent of schools.

12. The surveyor, one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto all necessary and actual traveling expenses incurred in connection with field work, and all fees allowed by law; *provided*, that out of the compensation hereinabove provided he shall pay the cost of platting, tracing or otherwise preparing maps, plats or block-books for the use of the county assessor; *provided, further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block-books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct; *and provided, further*, that the fees for land surveys, except when done for the county, shall be ten dollars per day, or fraction thereof, and in addition thereto all necessary and actual traveling expenses. And it shall be the duty of the county surveyor to prepare and furnish all necessary plans and specifications for all bridges and bridge work, in addition to his other duties, without extra compensation. He shall appoint a deputy at a salary of one thousand dollars per annum, payable at the same time and in the same manner as county officers are paid; *provided, however*, that in cases of emergency additional help may be furnished the county surveyor by the board of supervisors at a compensation to be fixed by the board. Surveyor.

13. The justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases. Justices of the peace.

In townships having a population of fifteen thousand or more, two hundred dollars per month;

In townships having a population of over eight thousand and less than fifteen thousand, one hundred fifteen dollars per month;

In townships having a population of six thousand and less than eight thousand, seventy-five dollars per month;

In townships having a population of four thousand and less than five thousand, fifty-five dollars per month;

In townships having a population of two thousand and less than three thousand, forty dollars per month;

In townships having a population of one thousand and less than one thousand five hundred, thirty dollars per month;

In townships having a population of less than one thousand, twenty dollars per month;

In townships having a population of less than nine hundred, fifteen dollars per month.

Each justice of the peace must pay into the county treasury once a month all fines collected by him; *and provided, further*, that for the purposes of this subdivision the population of the several townships shall be ascertained from the United States census reports of 1920.

Constables.

14. In townships having a population of fifteen thousand or more, constables shall receive as compensation in lieu of all fees in criminal cases, the sum of one hundred twenty-five dollars per month: in townships having a population of eight thousand and less than fifteen thousand, the sum of eighty-five dollars per month; in townships having a population of six thousand and less than eight thousand, the sum of fifty dollars per month; in townships having a population of four thousand and less than five thousand, twenty-five dollars per month; in townships having a population of one thousand and less than one thousand five hundred, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, but within his own county, for the service of a civil or criminal process, the sum of fifteen cents per mile for each mile actually and necessarily traveled, one way only, no constructive mileage to be allowed; *and provided, further*, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers are paid; *and provided, further*, that in addition to the salaries provided herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; *and provided, further*, that for the purposes of this subdivision, the population of the several townships shall be ascertained from the United States census report of 1920.

Supervisors.

15. Each member of the board of supervisors for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed one thousand two hundred dollars per annum as a salary, and fifteen cents per mile in traveling to and from his place of residence to the court house; *provided*, that only one mileage must be allowed at each term; *and provided, further*, that said salary and mileage shall be in lieu of all fees otherwise provided by law for supervisors. Each supervisor shall receive for services

as road commissioner, thirty cents per mile one way for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not in any one year receive more than six hundred dollars as such road commissioner; *provided*, that no member of the board of supervisors or other county officer, shall, except for his own services or expenses, present or verify by his oath attached thereto, any claim, account, or demand for allowance against the county.

16. All salaries herein not otherwise provided for shall be paid out of the treasury of said county in equal monthly payments on the last day of each month. Monthly payments.

17. The fees for jurors in counties of this class shall be as follows: For attending as a grand juror or juror in the superior court, for each day's attendance, while serving as such juror, per day, three dollars; for each day's attendance when not selected to serve, two dollars. For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents. A juror excused at his own request shall not be entitled to a per diem fee. For each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made, in going only, per mile, fifteen cents. Jurors.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 623.

An act to define a portion of the southern boundary of the State of California.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The surveyor general shall define the southern boundary of the State of California from the west bank of the Colorado river to the mouth of the Gila river, the surveying to be done by the surveyor of Imperial county at the expense of said county. Defining southern boundary of state.

SEC. 2. The surveyor general is hereby empowered to subpoena witnesses and take the necessary testimony, and do each and everything that in his judgment may be necessary to the establishment of such state line as set forth in the constitution of the State of California adopted September 9, 1850, and as specifically set forth in the international treaty of Guadalupe-Hidalgo, between the United States and the republic of Mexico.

CHAPTER 624.

An act to add a new section to be numbered section nineteen x twenty-eight to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended. said section relating to the salaries of probation officers.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Juvenile
court
law.

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith" approved June

5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x twenty-eight to read as follows:

19x28. In counties of the twenty-eighth class there shall be one probation officer whose salary shall be thirty-five dollars per month.

Counties
of 28th
class,
salary of
probation
officer.

CHAPTER 625.

An act appropriating money to pay the claim of Timothy Hopkins and Kate Felton Neilson, executor and executrix of the estate of Charles N. Felton junior, deceased, against the State of California.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred forty-one dollars and sixty cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Timothy Hopkins and Kate Felton Neilson, executor and executrix of the estate of Charles N. Felton junior, deceased, against the State of California. The state controller is hereby directed to draw his warrant in favor of Timothy Hopkins and Kate Felton Neilson, executor and executrix of the estate of Charles N. Felton junior, deceased, for said sum of two hundred forty-one dollars and sixty cents and the state treasurer is hereby directed to pay the same.

Appropriation:
Claim of
Timothy
Hopkins
and Kate
Felton
Neilson.

CHAPTER 626.

An act to add a new section to be known as nine a fifty-two to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library

systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a fifty-two, and to read as follows:

Counties of
52d class,
salary of
librarian.

Sec. 9a52. In counties of the fifty-second class the salary of the county librarian shall be one thousand dollars per annum.

CHAPTER 627.

An act to add a new section to be known as nine a forty-four to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a forty-four and to read as follows:

Counties of
44th class,
salary of
librarian.

Sec. 9a44. In counties of the forty-fourth class the salary of the county librarian shall be one thousand eight hundred dollars per annum.

CHAPTER 628.

An act to add a new section to be numbered section nineteen x thirty-three to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing

for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof, and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers, said section to be numbered nineteen x thirty-three to read as follows:

19x33. In each of the counties of the thirty-third and fifty-fourth class there shall be one probation officer whose salary shall be thirty-five dollars per month.

Counties of
33d and
54th class,
salary of
probation
officer.

CHAPTER 629.

An act to add a new section to be numbered section nineteen x fifty to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such per-

sons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof, and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers, said section to be numbered nineteen and fifty to read as follows:

Sec. 19 π 50. In counties of the fiftieth class there shall be one probation officer whose salary shall be thirty-five dollars per month.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

Counties of
50th class,
salary of
probation
officer.
Effect of
act.

CHAPTER 630.

An act to add a new section to be known as nine a fifty-five to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows: •

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a fifty-five, and to read as follows:

Sec. 9a55. In counties of the fifty-fifth class the salary of the county librarian shall be one thousand five hundred dollars per annum.

Counties
of 55th
class,
salary of
librarian.

CHAPTER 631.

An act to amend section four thousand two hundred sixty-one of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-second class.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-one of the Political Code is hereby amended to read as follows:

4261. In counties of the thirty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Counties of
32d class,
salaries of
officers.

1. The county clerk, three thousand two hundred fifty dollars per annum; and also such compensation as is now or may hereafter be allowed by law; and in each year in which a new and complete registration of voters is required by law he shall receive such an amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, and such an amount as shall be necessary to pay deputies in the office for enrolling

County
clerk.

the registrations upon the great register at the rate of four cents each, the claims for which shall be presented and allowed by the board of supervisors as other claims are presented and allowed; he may also appoint a deputy clerk, which office of deputy clerk is hereby created, whose salary shall be nine hundred dollars per annum, payable as the salaries of county officers are paid.

Sheriff.

2. The sheriff, six thousand dollars per annum.

Recorder.

3. The recorder, two thousand two hundred fifty dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall amount to more than two hundred dollars in any one month, the said recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of two hundred dollars in one month so collected; *and provided*, that in counties of this class the recorder may appoint two deputy recorders for service in his office, which offices of deputies for the county recorder are hereby created, and said deputies shall receive as compensation for their services the sum of nine hundred dollars each per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

Auditor.

4. The auditor, two thousand five hundred dollars per annum; he may also appoint a deputy auditor, which office of deputy auditor is hereby created, whose salary shall be seventy-five dollars per month, payable as the salaries of all other county officers are paid. The provisions of this subsection do not increase the compensation of a county officer and shall take effect immediately.

Treasurer.

5. The treasurer, two thousand dollars per annum; *and provided*, that in counties of this class the treasurer may appoint a deputy treasurer, which office of deputy treasurer is hereby created, and said deputy treasurer shall receive as compensation for such service the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

Tax collector.

6. The tax collector, one thousand dollars per annum; *provided*, that said tax collector shall perform the duties and receive and retain for his own use, the fees provided by law for the license tax collector.

Assessor.

7. The assessor, four thousand two hundred fifty dollars per annum; *provided*, that in counties of this class the assessor may appoint a field deputy, which office of field deputy is hereby created, who shall hold office from the first day of March of each year up to and including the last day of July

of each year. The salary of said field deputy herein provided for is fixed at the sum of one hundred fifty dollars per month, to include expenses for each month during which the said field deputy holds office, as herein provided. The salary of said field deputy shall be paid at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid.

8. The district attorney, two thousand four hundred dollars District attorney. per annum; he may also appoint a deputy, which office of deputy district attorney is hereby created, whose salary shall be one thousand dollars per annum, payable as the salaries of other county officers are paid.

9. The coroner, such fees as are now or may hereafter be Coroner. allowed by law.

10. The public administrator, such fees as are now or may Public administrator. hereafter be allowed by law.

11. The superintendent of schools, two thousand four hundred dollars per annum, including services on the board of education. He shall be allowed his actual traveling expenses not to exceed five hundred dollars per annum; he shall also be allowed one deputy whose salary shall be seventy-five dollars per month, payable the same as the salary of county officers; *provided*, that he shall keep his office open from nine o'clock a.m. to five o'clock p.m., of each business day. Superintendent of schools.

12. The surveyor shall receive a per diem of ten dollars for Surveyor. all work performed for the county, in addition thereto all necessary expenses and transportation on work performed in the field.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships. Classification of townships.

Townships having a population of over three thousand shall belong to and be known as townships of the first class; townships having a population of one thousand five hundred and less than three thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than one thousand five hundred shall belong to and be known as townships of the third class; townships having a population of four hundred and less than one thousand shall belong to and be known as townships of the fourth class; townships having a population of three hundred and less than four hundred shall belong to and be known as townships of the fifth class; townships having a population of less than three hundred shall belong to and be known as townships of the sixth class.

Justices of the peace shall receive the following salaries: Justices of the peace. In townships of the first class, the sum of nine hundred dollars; in townships of the second class, the sum of six

hundred sixty dollars; in townships of the third class, three hundred twenty dollars; in townships of the fourth class, one hundred eighty dollars; in townships of the fifth class, one hundred twenty dollars; in townships of the sixth class, sixty dollars.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

Constable.

14. The constable shall receive the following fees, to wit: For serving summons and complaint, for each defendant served one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for copies, for serving any writ, notice or order, except summons, complaint or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one-half per cent, to be charged against the defendant named in the execution; for executing and delivering a certificate of sale, one dollar; for executing and delivering constable's deeds, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to a prison, twenty-five cents, outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile traveled outside his county in making criminal arrests, both going and returning from the place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate, either upon arrest or for trial or examination, or after conviction, he shall receive in addition to the above mileage his actual and necessary expenses for himself and prisoners; *provided*, that if two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services; *provided, further*, that no more than sixty dollars shall be allowed to any constable in counties of

this class in any one month for fees and mileage in criminal matters.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner he shall receive twenty cents a mile one way, for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than six hundred dollars as such road commissioner. The road commissioners shall be reimbursed for all traveling, personal and other necessary expenses while actually engaged in the performance of their duties upon the road; *provided*, that the full amount of expenses incurred shall not exceed six hundred dollars in any one year, to be allowed as any other claim by the board of supervisors. ^{Supervisors.}

17. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from residence to county seat the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend. ^{Jurors.}

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. ^{Effect of act.}

CHAPTER 632.

An act to repeal an act entitled "An act to enlarge the powers of the state board of forestry and to provide for the expenses of said board," approved March 7, 1887.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act to enlarge the powers of the state board of forestry and to provide for the expenses of said board," approved March 7, 1887, is hereby repealed. ^{Stats 1887, p. 46, repealed.}

CHAPTER 633.

An act to repeal an act entitled "An act to provide for the removal of the mineral cabinet from the state library," approved March 9, 1887.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Stats. 1887,
p. 74,
repealed. SECTION 1. An act entitled "An act to provide for the removal of the mineral cabinet from the state library," approved March 9, 1887, is hereby repealed.

CHAPTER 634.

An act to repeal an act entitled "An act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the board of regents of the University of California, and to provide penalties for violation hereof," approved March 20, 1905.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Stats. 1905,
p. 553,
repealed. SECTION 1. An act entitled "An act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the board of regents of the University of California, and to provide penalties for violation hereof," approved March 20, 1905, is hereby repealed.

CHAPTER 635.

An act to repeal an act entitled "An act to create a bureau of highways, and prescribe its duties and powers, and to make an appropriation for its expenses," approved March 27, 1895.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Stats. 1895,
p. 263,
repealed. SECTION 1. An act entitled "An act to create a bureau of highways, and prescribe its duties and powers, and to make an appropriation for its expenses," approved March 27, 1895, is hereby repealed.

CHAPTER 636.

An act to repeal an act entitled "An act to establish a state lunacy commission, to provide a uniform government and management of the state hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act to establish a state lunacy commission, to provide a uniform government and management of the state hospitals for the insane, and to provide for the care, custody and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, is hereby repealed.

Stats. 1897,
p. 311,
repealed.

CHAPTER 637.

An act to repeal an act entitled "An act to promote the horticultural interests of the state by providing county boards of horticulture, and repealing the act entitled 'An act to protect and promote the horticultural interests of the state,' approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act to promote the horticultural interests of the state by providing county boards of horticulture, and repealing the act entitled 'An act to protect and promote the horticultural interests of the state,' approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, is hereby repealed.

Stats. 1897,
p. 244,
repealed.

CHAPTER 638.

An act to repeal an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; to prevent the sale of goods, wares and merchandise by false weight or measure; authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this act relating to the foregoing and for the admission in evidence of copies of the state's standard of weights and measures furnished under the provisions of this act," approved March 18, 1911.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Stats. 1911,
p. 383,
repealed.

SECTION 1. An act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; to prevent the sale of goods, wares and merchandise by false weight or measure; authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this act relating to the foregoing and for the admission in evidence of copies of the state's standard of weights and measures furnished under the provisions of this act," approved March 18, 1911, is hereby repealed.

CHAPTER 639.

An act to repeal an act entitled "An act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation and for revising, systematizing and reforming the laws of this state upon, concerning, regarding or appertaining to these said sub-

jects; providing for the appointment of said commission to be known as the "conservation commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor," approved April 8, 1911.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation and for revising, systematizing and reforming the laws of this state upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "conservation commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor," approved April 8, 1911, is hereby repealed.

Stats. 1911,
p. 822,
repealed.

CHAPTER 640.

An act to amend sections four thousand two hundred forty-nine a and four thousand two hundred fifty of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-first class.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-nine a of the Political Code is hereby amended to read as follows:

4249a. In counties of the twenty-first class grand jurors, and trial jurors of the superior court shall each receive for each day's attendance, per day the sum of three dollars and for each mile actually and necessarily traveled from their residence to the county seat in going only, per mile the sum of twenty cents, such mileage to be allowed but once during each session such jurors are required to attend.

Counties of
21st class,
jurors,
fees.

SEC. 2. Section four thousand two hundred fifty of the said code is hereby amended to read as follows:

Counties of
21st class,
salaries of
officers.

4250. In counties of the twenty-first class, the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries and fees, to wit:

County
clerk.

1. The county clerk, three thousand five hundred dollars per annum, and such fees as are now, or may be hereafter allowed by law, and in any year when a new great register of voters is required by law, he shall receive, in addition thereto, ten cents per name for each person registered. He may appoint one deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; three deputies who shall each receive a salary of one thousand two hundred dollars per annum; a copyist at a salary of one thousand two hundred dollars per annum; and during any year when an official primary election is held in the county, he may appoint one additional deputy, to serve for a period of four months only, at a monthly salary of seventy-five dollars. The deputies, clerks and stenographer herein provided for shall be paid by the county at the same time and in the same manner and out of the same fund as the county clerk is paid. In any year when a new registration of voters is required by law, he may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, such deputyships and offices being hereby created. Each of said deputies shall be paid by the county the sum of ten cents per name for each elector registered by him. Said compensation to be paid out of the general fund of the county, on the presentation and filing with the board of supervisors of the county, of a duly verified claim therefor, approved by the county clerk. On and after January 6, 1919, all fees, commissions and perquisites from whatever source received and collected by the county clerk, except the said sum of ten cents per name received by him for each person registered, shall be paid into the county treasury, and shall belong to the county.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum; *provided*, there shall be and there hereby is allowed to the sheriff the following deputies, which offices are hereby created, who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month, one deputy at a salary of one hundred fifty dollars per month, and one deputy to act as jailer at a salary of one hundred fifty dollars per month. The salaries of the deputies and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. In criminal cases, and actions in which the county is interested, the sheriff shall receive only actual expenses incurred and no more. All claims against the county shall be itemized and sworn to by the sheriff or chief deputy, and filed with the

board of supervisors monthly before the tenth day of each month. Expense accounts to be sworn to and filed as separate claims. A monthly statement of all fees collected from whatever source derived, duly subscribed and sworn to by the sheriff or chief deputy shall be filed with the county treasurer on or before the tenth day of each month. The board of supervisors may allow the sheriff a sum not to exceed thirty-seven and one-half cents per day for feeding each prisoner committed to his custody. Prisoners shall be fed three meals each day. The changes in this subdivision made shall apply to the incumbent and shall be in lieu of all fees, commissions, and mileage.

3. The recorder, three thousand five hundred dollars per annum; and said recorder may appoint two deputy recorders, one of whom shall receive a salary of one thousand eight hundred dollars per annum, and one who shall receive a salary of one thousand two hundred dollars per annum. He may appoint such copyists as may be required for the recording of all papers, notices or documents in his office, except maps or plats, who shall receive for their services the sum of six cents per folio; and for copies of any paper or record six cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments out of the same fund as the recorder is paid. All fees, commissions and perquisites collected by the recorder, from whatever source received, shall be paid into the county treasury. The recorder shall file monthly, on or before the tenth day of each month, with the county auditor, a verified statement showing in detail the fees received by him, and the amounts paid to copyists or other employees in his office, and the names of the persons to whom the same were paid. Recorder.

4. The auditor, three thousand five hundred dollars per annum. He may appoint one deputy, who shall receive a salary of two thousand one hundred dollars per annum; and one clerk at a salary of one hundred dollars per month; and four copyists for one month in each year, at a salary of one hundred dollars per month each. The deputy, clerk and copyists herein provided for shall be paid by the county in monthly installments in the same manner and out of the same fund as the auditor is paid. Auditor.

5. The treasurer, three thousand five hundred dollars per annum. Treasurer.

6. The tax collector, three thousand five hundred dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of one thousand eight hundred dollars per annum; and such additional clerks and copyists as the tax collector may appoint at a salary not to exceed five dollars per day each; *provided, however,* that the total amount of salary and compensation paid to such additional clerks and copyists, who receive a per diem, shall not exceed the sum of three thousand dollars per annum. Said additional clerks and copyists to be Tax collector.

paid by the county on the presentation and filing with the board of supervisors of duly verified claims showing the services rendered, approved by the tax collector. The salaries of all deputies, clerks, and indexers to be paid by the county at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, four thousand dollars per annum. In counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employes, who shall be paid salaries as follows: One chief deputy assessor at a salary of one thousand eight hundred dollars per annum; one deputy assessor at a salary of one hundred twenty-five dollars per month; and such additional field deputy assessors and clerks as the assessor may appoint at a salary not to exceed five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such additional deputies and clerks who receive a per diem shall not exceed the sum of three thousand dollars per annum. Said additional deputies and clerks to be paid by the county on the presentation and filing with the board of supervisors of duly verified claims, showing the services rendered, approved by the assessor. The salaries of all deputies, clerks and employes shall be paid by the county, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. The assessor shall receive no compensation or commissions for the collection of personal property taxes, or compiling the military roll, and all commissions, perquisites and fees from whatever source received, collected by him, shall be paid into the county treasury, and shall belong to the county. The changes herein made are intended to place the office of the assessor on a fixed salary basis, in lieu of the assessor's present compensation, fees and commissions allowed him by law, and shall apply to the incumbent.

District attorney.

8. The district attorney, three thousand five hundred dollars per annum; and said district attorney may appoint a stenographer, which office is hereby created, who shall receive a salary of one hundred dollars per month; and one deputy district attorney, which office is hereby created, who shall receive a salary of one thousand five hundred dollars per annum. Said stenographer and deputy shall be paid by the county at the same time and in the same manner and out of the same fund as the district attorney is paid. The district attorney shall be allowed, in addition to the monthly salary herein allowed, the sum of sixty dollars per month, which shall be in full for all his traveling and other personal expenses in criminal cases and civil actions in which the county is interested, as provided for in subdivision two of section four thousand three hundred seven of the Political Code.

County librarian.

8a. The county librarian, one thousand eight hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, three thousand five hundred dollars per annum, and said superintendent of schools may appoint a clerk, which office is hereby created, who shall receive a salary of fifty dollars per month. Said clerk shall be paid by the county at the same time and in the same manner and out of the same fund as the superintendent of schools is paid. In counties of this class the superintendent of schools shall receive his actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools. Superintendent of schools.

12. The surveyor shall receive two thousand seven hundred dollars per annum for all work performed for the county, and, in addition thereto, actual traveling and other necessary expenses incurred in connection with field work. Whenever the surveyor is directed by the board of supervisors or assessor to plat, trace or otherwise prepare maps, plats or block-books for the use of the county assessor or said board, he shall be allowed only the actual cost of preparing the same. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them, and of all fees. In townships having a population of three thousand five hundred or more, one hundred ten dollars per month; in townships having a population of not less than one thousand five hundred and not more than three thousand five hundred eighty-five dollars per month; in all townships having a population less than one thousand five hundred, fifty dollars per month. All fees collected by justices of the peace shall be paid into the county treasury, and shall belong to the county. The provisions of this subdivision shall apply to the incumbents. Justices of the peace.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, one hundred twenty-five dollars per month; in townships having a population of not less than one thousand five hundred nor more than three thousand five hundred, one hundred ten dollars per month; in all townships having a population of less than one thousand five hundred, seventy dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county. Constables shall also be allowed all necessary expenses actually incurred in arresting Constables.

and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

Board of
education.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary, shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred seventy of this code.

Supervisors.

16. Each supervisor, one thousand five hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner he shall receive in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars. The changes as to salary made in this subdivision shall not apply to incumbents.

Justices of
the peace.

17. In townships having a population of three thousand five hundred or more, justices of the peace shall be allowed for their office rent, and expenses, the sum of forty dollars each per month, in addition to the monthly salaries herein allowed. In townships having a population of less than three thousand five hundred, justices of the peace shall be allowed for their office rent, and expenses the sum of twenty-five dollars each per month in addition to the monthly salaries herein allowed. Each justice of the peace must pay into the county treasury monthly, all fees and fines collected by him; and he must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fees and fines collected by him. The auditor must withhold warrants for salary and office rent until a sworn statement has been filed with him, of all cases tried, and fees and fines collected; and the same are paid into the county treasury. No justice of the peace shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted to him for decision for a period of thirty days; said affidavit to be filed with the auditor of the county.

18. In counties of this class, grand jurors and trial jurors ^{Jurors.} in the superior court shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, in going only, per mile, the sum of twenty cents; such mileage to be allowed but once during each session such jurors are required to attend.

19. In counties of this class there shall be appointed by the sheriff a suitable woman as jail matron, who shall have care of female prisoners confined in the county jail. She shall be paid a salary of seventy-five dollars per month, to be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. ^{EFFECT OF act.}

CHAPTER 641.

An act to add a new section to be numbered section nineteen a twenty-one to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concern-

ing persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x twenty-one to read as follows:

Counties of
21st class,
salaries of
probation
officers.

Sec. 19x21. In counties of the twenty-first class there shall be one probation officer and one assistant probation officer. The salaries of said officers shall be as follows:

Probation officer, one hundred seventy-five dollars per month; assistant probation officer, seventy-five dollars per month.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 642.

An act to add a new section to be numbered section nineteen x forty-nine to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such

persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x forty-nine to read as follows:

Sec. 19x49. In counties of the forty-ninth class there shall be one probation officer whose salary shall be fifty dollars per month.

Counties of
49th class,
salary of
probation
officer.

SEC. 2. The provisions of this act so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 643.

An act to add a new section to be numbered section nineteen x thirty to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x thirty and to read as follows:

Sec. 19x30. In counties of the thirtieth class there shall be one probation officer whose salary shall be one hundred dollars per month.

Counties
of 30th
class,
salary of
probation
officer.

CHAPTER 644.

An act to amend section one of an act entitled "An act to provide for the development of electrical power by irrigation districts," approved May 21, 1919.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one of the act entitled "An act to provide for the development of electrical power by irrigation districts," approved May 21, 1919, is hereby amended to read as follows: Stats 1919, p. 778, amended.

Section 1. Any irrigation district heretofore organized or hereafter to be organized under the laws relating to such district may provide for the construction, acquisition, operation, leasing and control of plants for the generation, distribution, sale and lease of electrical energy including sale to municipalities, corporations, public utility districts, or individuals, of electrical power so generated; and said district, subject however, to the conditions in this section contained, may make special appropriations of water for power purposes, as required by law; *provided, however*, that any use of water for generating such electrical power or energy at any given time of the year, which use is in excess of the water appropriated and beneficially used for irrigation purposes by such district at said period of the year, shall be subject to all prior existing appropriations by any municipal corporation, who or which is proceeding in good faith in the expenditure of money and the construction of works designed to divert the water appropriated; and the officers, agents and employees of such districts shall have the same powers, duties and liabilities respecting such power and the construction, acquisition, repair, maintenance, management and control thereof as they now have or may hereafter have respecting such irrigation or such irrigation districts. The California irrigation district act shall be so construed, applied and enforced as to apply to such power as well as such irrigation. Irrigation district may maintain electric power plants.

CHAPTER 645.

An act to add a new section to be numbered section nineteen & twenty-four to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen & twenty-four and to read as follows:

Sec. 19 & 24. In counties of the twenty-fourth class there shall be one probation officer whose salary shall be one hundred fifty dollars per month; assistant probation officer, whose salary shall be fifty dollars per month.

Counties of
24th class,
salaries of
probation
officers.

CHAPTER 646.

An act to amend section four thousand two hundred thirty-three of the Political Code, relating to counties of the fourth class.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred thirty-three of the Political Code is hereby amended to read as follows:

4233. In counties of the fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties of 4th class, salaries of officers.

1. The county clerk, four thousand six hundred dollars per annum; he shall have three deputies at a salary of two thousand four hundred dollars each per annum; four deputies at a salary of one thousand nine hundred twenty dollars each per annum; five deputies at a salary of one thousand eight hundred dollars each per annum; two deputies at a salary of one thousand five hundred dollars each per annum. He shall also have three additional deputies for a period of not to exceed ten months during each and every even numbered year at a salary of five dollars per day each during their said employment, and four deputies for a period of not to exceed six months during each and every even numbered year, such deputies to receive a salary of five dollars per day each during their said employment, and also for such even numbered years he shall appoint such deputies in the county as are necessary for the purpose of registering the electors, such deputies to receive five cents for each elector legally registered by them. The county clerk shall pay into the county treasury at the close of each month all fees received by him as county clerk during the month, accompanied by a statement of the sources from whence received. County clerk.

2. The sheriff, six thousand dollars per annum; he shall have an under sheriff at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum and five deputies at a salary of two thousand dollars per annum each; five deputies at a salary of one thousand eight hundred dollars per annum each; one Bertillon deputy who shall have charge of the records made under the Bertillon system and who shall act as a photographer and who shall receive a salary of two thousand dollars per annum; a stenographer whose annual salary shall be one thousand eight hundred dollars; one clerk whose annual salary shall be one thousand two hundred dollars; a matron whose annual salary shall be one thousand five hundred dollars. The sheriff shall pay into the county treasury all sums received by him for service of process. Sheriff.

Recorder.

3. The recorder, four thousand dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; six deputies at a salary of one thousand eight hundred dollars per annum each.

The recorder shall have such copyists as are necessary to perform the duties of the office at a compensation of seven cents per folio; *provided, however*, that all instruments that are partly written or typewritten and partly printed, and for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instrument, the compensation shall be three and one-half cents per folio for the entire number of folios of written and printed matter in said instrument.

Auditor.

4. The auditor, four thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred dollars per annum; two deputies at a salary of two thousand one hundred dollars per annum each, one deputy at a salary of one thousand eight hundred dollars per annum; and eight deputies for not to exceed one hundred twenty days in each year at a salary of five dollars per day each, who shall make segregation of road district values and perform such other services as are required by law.

Treasurer.

5. The treasurer, four thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand eight hundred dollars per annum each.

Tax collector.

6. The tax collector, four thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; one deputy at a salary of two thousand dollars per annum; five deputies at a salary of one thousand eight hundred dollars each per annum; and eighteen additional deputies for not exceeding three months in each year at a salary of five dollars per day each; and six additional deputies for not exceeding two months in each year at a salary of five dollars per day each. The tax collector shall be allowed the actual and necessary expenses required by him in the performance of his official duties as license collector of Fresno county.

Assessor.

7. The assessor, five thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; five deputies at a salary of one thousand eight hundred dollars each per annum; ten deputies for a period not to exceed six months at a salary of five dollars per day each, and four deputies for a period not to exceed four months at a salary of seven dollars and fifty cents per day each; twenty-nine deputies for a period not to exceed three months at a salary of seven dollars and fifty cents per day each; all sums collected by the assessor or his

deputies as personal property taxes shall be paid into the county treasury monthly as collected with a statement of account of each collection.

8. In counties of this class grand and trial jurors shall receive three dollars per day each while engaged in the performance of the duties required by them, and in addition thereto shall receive the mileage now allowed by law. Jurors.

9. The district attorney, six thousand dollars per annum; he shall have one assistant at a salary of four thousand five hundred dollars per annum; one deputy at a salary of four thousand two hundred dollars per annum; one deputy at a salary of three thousand nine hundred dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one deputy at a salary of three thousand dollars per annum; and two deputies at a salary of two thousand four hundred dollars per annum each. A detective at a salary of two thousand four hundred dollars per annum; one stenographer at a salary of one thousand eight hundred dollars per annum; and one stenographer at a salary of one thousand six hundred eighty dollars per annum; and one stenographer at a salary of one thousand five hundred dollars per annum. District attorney.

Neither of these stenographers shall receive other compensation by reason of services as stenographic reporter in any action or proceeding wherein the fee or per diem of the stenographic reporter constitutes a charge against the county.

The district attorney and his deputies shall devote their entire time during office hours to the work of the county and state and are prohibited from engaging in private work within such office hours. It is understood that this provision relative to private work does not affect the district attorney until his salary is six thousand dollars per annum.

10. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

11. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

12. The superintendent of schools, four thousand dollars per annum; he shall have one deputy at a salary of two thousand seven hundred dollars per annum; three deputies at a salary of two thousand four hundred dollars each per annum; one deputy at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand eight hundred dollars per annum each and two deputies at a salary of one thousand five hundred dollars per annum each. One of the deputies is to act as an attendance officer for the schools of Fresno whose duties shall be to enforce the laws in regard to compulsory attendance of pupils and who shall perform such other duties in connection with school work as the county superintendent may direct. The superintendent and his supervising assistants and attendance officers shall be allowed their actual traveling expenses incurred while visiting the schools of the county. Superintendent of schools

Surveyor.

13. The surveyor, four thousand dollars per annum in full compensation for all services as county surveyor and as road overseer and inspector. He shall have one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; and one deputy at a salary of one thousand eight hundred dollars per annum.

13. The county surveyor shall be allowed all necessary traveling and field expenses of himself and chainmen or other necessary help in the field. In addition, the county surveyor shall be allowed to employ all necessary inspectors and field or office help needed in the preparation of plans, specifications or surveys preliminary to the submission to the qualified voters of a county of this class of a proposition to issue bonds under the provisions of section four thousand eighty-eight of the Political Code for the construction of roads, bridges or highways; *provided, however*, that before employing such inspectors or field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment; *provided, however*, that the term of employment of such inspectors or field or office help shall cease at the completion of such preliminary work hereinabove provided for. The salaries and expenses of such inspectors or field or office help shall be paid out of the county general fund upon proper claims presented therefor to the board of supervisors. In any county of this class, where bonds have been or shall hereafter be issued under the provisions of section four thousand eighty-eight of the Political Code, for the construction of roads, bridges or highways, the county surveyor may, at any time during the planning, laying out or construction of such roads, bridges or highways, employ all necessary inspectors and field or office help to assist him in planning, laying out or constructing such roads, bridges and highways; *provided, however*, that before employing such inspectors and field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment. Inspectors and field or office help shall not be employed longer than necessary to actually complete the roads, bridges or highways paid for out of funds created by such bond issue. There shall also be allowed to such surveyor, from and after the issue of bonds provided in said section four thousand eighty-eight, an additional deputy at a salary of three thousand six hundred dollars per annum, whose duties shall be limited to operations contemplated under such bond issue, and whose term of employment shall cease at the completion of such operation; *provided, however*, that before employing such additional deputy, the surveyor shall first obtain the consent of the board of supervisors for such employment. The salaries of all such persons employed as inspectors or field or office help shall be prescribed by the board of supervisors, and all such salaries, together with the field expense of all such inspectors or field or office help, as well as the salary of said additional deputy, shall be paid out of the fund created by

such issue of bonds, upon proper demands therefor presented to the board of supervisors. The surveyor and his deputies shall devote their entire time and service to the work of the county, and are prohibited from engaging in private surveying and engineering work, and shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges.

14. The registered population of the several judicial townships of this county is hereby determined to be the registered votes as shown by the great register of the county in the office of the county clerk January 1, 1915, as follows, to wit:

Judicial township No. 1	-----	880
Judicial township No. 2	-----	2,464
Judicial township No. 3	-----	19,871
Judicial township No. 4	-----	1,287
Judicial township No. 5	-----	2,362
Judicial township No. 6	-----	3,093
Judicial township No. 7	-----	1,562
Judicial township No. 8	-----	2,124
Judicial township No. 9	-----	1,214
Judicial township No. 10	-----	685
Judicial township No. 11	-----	1,050
Judicial township No. 12	-----	111
Judicial township No. 13	-----	535
Judicial township No. 14	-----	745
Judicial township No. 15	-----	631
Judicial township No. 16	-----	267
Judicial township No. 17	-----	714

Classifi-
cation of
townships.

And for the purpose of regulating the compensation of the constables and justices of the peace, townships of this class of counties are hereby classified as follows: Townships having a registered voting population of ten thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand four hundred fifty and less than ten thousand shall belong to and be known as townships of the second class; townships having a like population of six hundred and less than one thousand four hundred fifty shall belong to and be known as townships of the third class; townships having a like population of less than six hundred shall belong to and be known as townships of the fourth class.

15. Justices of the peace in townships of the first class shall receive a salary of two hundred fifty dollars per month to be paid each month as the county officers are paid.

Justices of
the peace,
first class
townships.

For each justice's court in townships of the first class there shall be one justice's clerk, who shall be appointed by the justice of the peace. Said clerk shall be appointed immediately on this act taking effect and shall take the oath of office prescribed for county officers, and give a bond in the sum of three thousand dollars, conditioned upon and for

Justice's
clerk.

the faithful discharge of the duties of the office, which bond shall be approved and filed in the same manner as are bonds of county officers.

Authorized
to
administer
oaths.

Said justice's clerk shall be authorized to administer all oaths, take and serve affidavits, and shall be authorized to issue and sign writs, summons and all other processes in any action or proceeding in the justice's court of the township for which he is appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the same is pending, or out of whose court the same is issued, which shall be in substantially the following form:

“-----
Justice of the Peace.

Attest: -----
Clerk.”

All legal papers of every kind in actions or proceedings in such justice's court shall be issued by the said justice's clerk in the manner and form hereinbefore set out. The said justice's clerk shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All complaints, answers and other pleadings and papers required to be filed in the said justice's court, shall be filed with such justice's clerk, who shall keep a permanent record of such actions and proceedings in the justice's docket, now provided by law to be kept by such justice. Said clerk shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same.

All fees for the issuance of process, or other fees, which are by law allowed for any official service of the justice of the peace, shall be exacted and paid in advance into the hands of the justice's clerk which, together with all fees, fines, forfeitures or penalties received in said justice's court, shall be paid into the county treasury.

Said justice's clerk shall render each month to the county auditor and county treasurer an exact account, under oath, of all fines, forfeitures and penalties and fees received by him or collected by said court. Said justice's clerk shall receive a salary of one thousand five hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid.

In the event that the board of supervisors do provide, by order, that two justice's courts be established in any township of the first class, then and in such an event the justice of said additional court shall be entitled to and shall appoint a clerk for said additional court, which said clerk shall be vested with the same authority and charged with the same duties and entitled to the same compensation as the clerk of the justice's court hereinbefore provided for.

The board of supervisors shall provide, in a convenient locality, a suitable office and court room, including all necessary office furniture, telephones, light, heat and water and all necessary stationery and office supplies for the justices and clerks thereof, for all justice's courts in and for townships of the first class.

Justices of the peace and persons now performing the duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid and the same shall be in full compensation for all their services rendered and shall include their office rent except as heretofore provided for justices of the first class, to wit:

Justices of the peace, other townships.

In townships of the second class.....	\$100
In townships of the third class.....	90
In townships of the fourth class.....	75

Justices of the peace shall pay to the county treasurer once a month all fees and fines collected by them and shall be responsible for the collection and payment to the county treasurer of all such fees and fines as herein provided.

16. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid and to be in full compensation for all services rendered by them in criminal cases, to wit:

Constables.

In townships of the first class.....	\$125
In townships of the second class.....	100
In townships of the third class.....	90
In townships of the fourth class.....	75

In addition to the monthly salaries above provided each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided, further*, that when a constable is required to go out of the county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of the county at the rate of five cents per mile.

17. The supervisors shall receive each the sum of four thousand eight hundred dollars per annum, payable monthly in installments of four hundred dollars per month, in full compensation for all services rendered, either as supervisors or road overseers. The supervisors shall devote their entire time to the work of the county.

Supervisors.

18. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month.

Monthly installments.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 647.

An act to add a new section to be known as nine a thirty-one to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a thirty-one, and to read as follows:

Sec. 9a31. In counties of the thirty-first class the salary of the county librarian shall be one thousand eight hundred dollars per annum.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

Counties of
31st class,
salary of
librarian.
Effect of
act.

CHAPTER 648.

An act to add a new section to be numbered section nineteen x thirty-nine to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof, and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation

officers, said section to be numbered nineteen x thirty-nine to read as follows:

Counties of 39th class, salary of probation officer. Effect of act.

Sec. 19x39. In counties of the thirty-ninth class there shall be one probation officer whose salary shall be one hundred twenty-five dollars per month.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 649.

An act to regulate the business of selling live stock at public auction and requiring live stock auctioneers to obtain a license and to execute a bond to the State of California, and providing penalties for violation of this act, and repealing acts in conflict herewith.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

License for live stock auctioneers.

SECTION 1. (a) A live stock auctioneer within the provisions of this act is one who conducts a public, competitive sale of live stock for a commission, fee or other compensation.

(b) Any person or firm residing in this state, or any corporation organized under the laws of this state, having license to act as auctioneer in the county, city and county, city or town in which he, they, or it resides or has a principal place of business, may carry on the business of selling live stock at public auction in any other county, city and county, city or town in this state upon obtaining a license and executing a bond as hereinafter provided.

Issuance by secretary of state.

SEC. 2. The secretary of state shall, upon application therefor by any person or firm resident in this state, or corporation organized under the laws of this state and having its principal place of business therein, and upon receipt of twenty-five dollars and the filing in his office of the bond herein provided, issue a license to such person, firm or corporation authorizing such applicant to sell live stock at public auction in this state, which license shall be in the following form:

Live Stock Auctioneer's License.

-----, having paid the license fee of twenty-five dollars and having executed a bond as required by law, is hereby licensed to conduct sales of live stock at public auction in the State of California from date hereof until January first next.

Dated this ----- day of -----, 19--.

Secretary of state.

SEC. 3. An applicant for license shall file with the secretary of state an application for such license, giving applicant's name and residence address, and business address, and in case of a copartnership shall give the names and residences of the members thereof and the business address of the firm, and in case of a corporation giving the names of the officers thereof and the business address of the corporation, which said application shall be verified under oath by the applicant, or, in case of a corporation, by one of the officers of the corporation; the applicant shall accompany said application with a license fee of twenty-five dollars.

SEC. 4. That applicant shall at the same time that he makes his application execute and file with the secretary of state a bond in the principal sum of five thousand dollars conditioned to be paid to the people of the State of California in case of the failure of the licensee during the period covered by said license or any renewal thereof to faithfully and honestly conduct business as a live stock auctioneer. In the event any person, firm or corporation shall suffer any damage by reason of the failure of the licensee to faithfully perform his duties as auctioneer according to the provisions of this act, or by reason of any fraud practiced by such licensee in the conduct of any sale of live stock at public auction, then said person, firm or corporation so aggrieved may in an action on such bond recover of the licensee and the sureties the amount of such damage, not exceeding, however, the principal of said bond. The bond shall be executed by the applicant and two sureties, residents of this state, which sureties shall be approved by a judge of the superior court of the county in which the licensee is resident, or, in case applicant is a corporation, of the county in which it has its principal place of business, at the time the license is issued. In lieu of two sureties, residents of this state, the applicant may provide a bond executed by a surety company which is authorized under the laws of this state to execute undertakings required by the laws of this state.

SEC. 5. All licenses issued according to the provisions of this act shall expire on the thirty-first day of December next succeeding the date thereof, but the same may be renewed by the payment of a license fee of twenty-five dollars. In case of the renewal of any license the liability of the licensee and sureties on the bond filed with the original application shall continue; *provided*, the licensee files with his application for renewal a statement by his sureties on said bond that they acknowledge such continuing liability and a sworn statement by each of them that he is a resident of California and worth the sum of five thousand dollars over and above his just debts and liabilities exclusive of property exempt from execution. Unless such statements be filed or a new bond executed such license shall not be renewed.

SEC. 6. No license issued under the provisions hereof shall be transferable.

Criers.

SEC. 7. Every auctioneer to whom there has been issued a license under the provisions hereof may employ criers or other assistants for the purpose of conducting sales, and shall be responsible for their acts.

Forfeiture
of
license.

SEC. 8. Any licensee under the provisions of this act who shall be convicted in any court of this state of any offense involving fraud, misrepresentation or deceit, or against whom any judgment shall be entered whereby it shall be adjudged that said licensee has committed any fraud, misrepresentation or practiced any deceit, shall, upon such conviction or the final entry of such judgment, forfeit his license, and the same shall not be renewed or any new license issued to such licensee under the provisions hereof within the period of two years thereafter.

Penalty
for not
having
license.

SEC. 9. Any person who conducts any sale of live stock at public auction in this state without having a license so to do issued either to such person or to the firm or corporation which he represents in making such sale, as herein required, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than two hundred fifty dollars, or by imprisonment in the county jail for a term not less than ten days or more than one hundred days, or by both such fine and imprisonment.

Sales
excepted.

SEC. 10. Sales of live stock by a sheriff, a constable, or any public official of the United States or of the State of California, or of any county, city and county, township, or other political subdivision of this state, in the course of official duty, are excepted from the provisions of this act.

Repealed.

SEC. 11. All acts and laws in conflict herewith are to the extent of such conflict hereby repealed.

CHAPTER 650.

An act to add a new section to be numbered section nineteen & twenty-five to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act

approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x twenty-five and to read as follows:

Sec. 19x25. In counties of the twenty-fifth class there shall be one probation officer, whose salary shall be two hundred dollars per month. In counties of the twenty-fifth class the probation officer shall perform in addition to his duties as probation officer the duties of the attendance officer for the schools of the county and investigator for the board of supervisors on applications for county and state aid, without any additional compensation except his necessary expenses and such mileage as the board of supervisors shall fix and allow in the performance of his duties.

Counties of
25th class,
salary of
probation
officer.

CHAPTER 651.

An act to add a new section to the Political Code to be numbered one thousand two hundred fifty-two a, relating to the conduct of elections.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be known as section one thousand two hundred fifty-two a, and to read as follows:

Resolution
determining
manner of
counting
ballots.

1252a. Whenever the board having charge and control of an election in any city, county or city and county shall adopt a resolution by a majority vote of said board, at least twenty-five days before the holding of an election at which candidates for public office are to be voted for within this state or any political subdivision thereof, that the ballots cast at such an election shall be counted in the manner provided for in this section; such resolution shall be entered in the minutes of said board, and then, and in that event, unless the provisions of a freeholders' charter shall provide a mode or method for counting the ballots cast at such an election, the ballots cast at such an election shall be counted in the manner provided in this section. The respective precinct boards to hold and conduct such an election at the polling places, and also the counting boards to count the ballots cast at said election shall be appointed and constituted pursuant to the provisions of this section.

Election
boards.

The board having charge and control of such election shall pursuant to the provisions of section one thousand one hundred forty-two of the Political Code, so far as applicable, select and appoint for each election precinct a precinct board of election officers to hold and conduct such election at the polling place in each respective precinct for which such board is appointed. Such boards to hold such election at such polling places shall each consist of four persons, one inspector, one judge and two clerks, who shall perform all the duties required by law at such polling place except as in this section provided, and such board of election officers shall, except as in this section provided, have all the powers provided for by the board of elections appointed pursuant to the provisions of section one thousand one hundred forty-two of the Political Code, and each member of such election board shall have the same powers that he, or she, respectively, would have if such board and its members had been appointed pursuant to the provisions of section one thousand one hundred forty-two of the Political Code, except as in this section provided. In constituting such precinct election boards, the county clerk, registrar of voters or clerk having charge and control of the election shall have power to excuse persons appointed when-

ever satisfied any such person ought to be excused, and to substitute new appointees in all cases when any person appointed shall be excused or found disqualified or incompetent down to a time when said county clerk, registrar of voters or clerk having charge and control of said election shall send a final or amended list of such election officers to the inspector, for the precinct, which list shall be the final order of appointment for such precinct and such appointments shall be in the form prescribed in this act, and in addition shall have at the head thereof the words in capitals "FINAL PRECINCT LIST OF ELECTION OFFICERS." The county clerk, registrar of voters or clerk having charge and control of the election, shall perform all the duties which he would be required to perform if said board had been appointed pursuant to the provisions of section one thousand one hundred forty-two of the Political Code except or unless otherwise provided by this section.

When the ballots cast at any election are to be counted under the provisions of this section, then, and in such event, the ballots cast at any given precinct shall not be counted at the polling place, but as soon as the polls are closed the precinct election officers shall not open the ballot box, except as necessary to close the mouth of the box and see that the ballot box is securely locked, without any ballot being removed, or added, or opened, and seal the ballot box and separately seal the key in the manner provided by printed instructions from the county clerk, registrar of voters or clerk having charge and control of the election, in the presence of the public, and as soon as said election officers have certified, signed and sealed the several packages or envelopes as required by law, such ballot box and key, and packages shall be sent by not less than two of said precinct election officers to the office of the county clerk, registrar of voters or clerk of the board having charge and control of the said election: and until so delivered it shall be unlawful when conveying the same to allow any other person or persons to have possession of said ballot box or key, or packages, or any thereof. Such officers so sent with such ballot box and key and packages shall proceed as continuously as possible to the office of the county clerk, registrar of voters or clerk of the board having charge and control of said election, or to the place where the said ballots are to be counted. Immediately upon the delivery of such ballot box to the county clerk, registrar of voters or clerk of the board having charge and control of the said election, or the proper deputy of any of these respective officers, said county clerk, registrar of voters or clerk of the board having charge and control of such election, shall cause each such box to be plainly labeled with the correct number or designation of the precinct in which such ballots were cast.

Ballots not to be counted at polling place.

The board having charge and control of the election, or officer authorized thereto, whenever such board shall by resolution entered in its minutes, authorize and empower the

Central counting of ballots.

county clerk, registrar of voters or clerk of the board having charge and control of such election so to do, shall, as the case may be, in such manner as it, or he, shall deem best calculated to provide competent persons therefor, select and provide as many persons, as it or he may deem necessary for the counting, tallying and certifying of the returns of the vote cast in each precinct at such election, and such persons shall have the qualifications required for election officers at state elections, save that all persons who are deputies or employees of the board having charge and control of elections, or the county clerk, or the registrar of voters, or clerk of the board having charge and control of such election, or who report for service from the civil service list of the city, or county, or city and county or local subdivision where such election is held, shall, upon requisition for such duty, if not a candidate at such election, be qualified, and save that none of the persons so selected need reside in any particular precinct. The persons so selected and provided shall assemble at the place provided by the board having charge and control of the counting of the ballots cast at such election upon the evening of such election day, at an hour and time to be designated by notice to be served by the county clerk, registrar of voters or clerk of the board having charge and control of such an election, and shall there be segregated by the county clerk, registrar of voters, or clerk of the board having charge and control of said election, or his deputy or deputies, into counting boards, respectively, to consist of three persons each; each such selected counting board shall proceed to count and tally such ballots by precincts, separately, under the direction of the county clerk, registrar of voters or clerk of the board having charge and control of such election, or his deputies, or such superintendents as such county clerk, registrar of voters or clerk of the body having charge and control of said election, may choose for that purpose and shall count, tally and certify such returns in the same manner provided by law for counting, tallying and certifying ballots at state elections, except as in this section otherwise provided.

The form of tally sheets shall be provided and determined as to form by the county clerk, registrar of voters or clerk of the body having charge and control of such election, and there shall be a certificate at the end thereof to the effect that the foregoing is the correct result of the election in such precinct as to each and all candidates voted for, and all propositions voted upon at such election, and such certificate shall be signed by the three persons who completed such tally list and return.

Control of
counting
boards.

The county clerk, registrar of voters or clerk of the body having charge and control of said election, shall have charge over said counting boards during the entire time of such counting and he, or any deputy empowered by him so to do, may excuse or dismiss any person from any such counting board and enforce such order, and shall substitute any person so provided as hereinbefore required, or, if enough have not been

provided, then any competent and qualified additional person necessary to such work, to be provided by such county clerk, registrar of voters or clerk of the body having charge and control of said election at the time when such substitution becomes necessary, shall be substituted in the place of any person so excused or dismissed or any person who absents himself from said counting board or table. Any person acting on any such counting board who refuses to obey any lawful order of the county clerk, registrar of voters or clerk of the board having charge and control of said election, or his deputy, shall be guilty of a misdemeanor, unless thereby guilty of a higher crime under the laws of this state.

The tally sheets shall be in duplicate, kept by two clerks. ^{Tally sheets.} One copy upon the completion thereof shall be sealed in an envelope and signed across the flap in the manner provided by the laws of the State of California for sealing tally lists at state elections where votes are counted in the precincts, and the other tally list shall remain open for inspection in the office of the county clerk, registrar of voters or clerk of the body having charge and control of the said election, for the period of six months from the date of said election. The returns so sealed shall be securely kept by the county clerk, registrar of voters or clerk of the body having charge and control of the said election, in the same manner as if said returns had been counted at the election precinct, and returned to such county clerk, registrar of voters or clerk of the body having charge and control of such election, pursuant to the laws of the State of California, and be so securely kept until produced before the board having charge and control of such election for official canvass in the manner provided by law.

The board having charge and control of such election shall, ^{compensation of boards.} upon the recommendation and report of the county clerk, registrar of voters or clerk of the body having charge and control of such election, fix the compensation to be paid to each member of such respective counting boards for counting, tallying, completing and certifying such votes and returns, which compensation shall not exceed five cents to each member of such board, respectively, for each ballot so counted, tallied, completed and certified and such claims and demands when certified or allowed by the said board having charge and control of said election shall be audited by the auditor whenever the compensation of election officers is required to be audited, and shall be paid by the treasurer of the city, or county, or city and county, or political subdivision in which such election is held, from the general fund, or any moneys applicable to the payment of such claims, in the same manner that the compensation of election officers is required to be paid to those election officers who have been appointed in accordance with law and certified as election officers at the respective precincts at such an election, and except as in this section otherwise provided, all the provisions of the laws of the State of California, both civil and penal, applicable to

Powers of
boards.

state elections or to precinct election officers at state elections shall apply to such election and to such election officers and to the persons acting on any of said counting boards, and all such laws of the state, civil and penal, except as herein otherwise provided, relating to the official counting and canvass and declaration of the result of state election returns shall apply to the counting, tallying, certifying, sealing and official canvass and declaration of the result of such election and to all the returns of such election counted and returned under the provisions of this section. All the powers of precinct election boards and of the respective members thereof shall be exercised by the precinct election boards and appointed pursuant to the provisions of this section, and all such election boards shall perform all the duties which they would be required to perform under the laws of the State of California if they had been appointed pursuant to the provisions of section one thousand one hundred forty-two of the Political Code, except as in this section provided, and such precinct election boards and their respective members shall be liable to all the liabilities and penalties to which they would be liable if appointed pursuant to the provisions of section one thousand one hundred forty-two of the Political Code, except as otherwise provided in this section, and the said counting board by this section authorized shall be deemed to be boards of election officers of the said election and such boards and the members thereof shall perform all the duties with regard to counting such votes provided by the laws of the State of California as to state elections in the same manner as if said votes were being counted at the precincts where polled, pursuant to the laws of this state, except as in this section otherwise provided, and said counting board and all its members shall be subject to all the liabilities and penalties to which election precinct boards or the members thereof are subject when appointed pursuant to section one thousand one hundred forty-two of the Political Code, to count and certify the said votes and return the same from the precincts where the same were polled, except as otherwise provided in this section.

Place of
counting.

The board having charge and control of such election shall, by order entered in its minutes, specify the place where the ballot boxes and the ballots of said election shall be brought by the persons by this section authorized to so bring such ballots, which shall be the place where such ballots shall be counted, which must be a public place, and the said ballot boxes and ballots shall be so brought to such place and be at such place counted, tallied and certified in the manner provided by this section and such place shall be specified by such order at least ten days prior to the holding of said election, and the board having charge and control of said election shall cause notice of the selection of such place to be published at least once in a newspaper of general circulation in the county, city or county, where such election is to be held, or, if there be no such newspaper, shall cause such notice to be

prominently posted in the office of the county clerk, registrar of voters or clerk of the body having charge and control of such election, and the place where such votes shall be counted shall be open to the public, and said counting must be in the presence of the public, and in the presence of bystanders, and must be continuous and without adjournment until completed and the result thereof tallied, certified and returned as by this section or law required and any candidate shall be entitled to have a representative among such bystanders.

CHAPTER 652.

An act to provide for the organization and government of public cemetery districts.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Whenever a petition signed by a majority or more of the electors whose names appear upon the last great register of the county as residing within territory definitely described in such petition, requesting that the said territory be organized into a public cemetery district, shall be presented to the board of supervisors of the county in which such territory is situated, at a regular or special meeting of said board, said board of supervisors shall by resolution at said meeting fix a time for the hearing of said petition at not less than two nor more than five weeks from the time of presentation thereof and shall cause notice to be given of the time and place of said hearing by publication in some newspaper of general circulation printed and published in said county for not less than two weeks prior to the time of said hearing. The petition may consist of any number of separate instruments. Said notice shall contain one copy of said petition but the names attached to said petition need not be included in said notice or publication. Said notice shall state that any person residing or owning property within said proposed district may appear before said board at said hearing and show cause why said petition should not be granted or the boundaries thereof changed.

SEC. 2. At the time fixed for said hearing, said board of supervisors shall hear said petition and shall determine whether or not said petition complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not to exceed two weeks in all. No defect in the contents of the petition or in

the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceeding thereof, provided such petition or petitions have sufficient qualified signatures attached thereto. The determination of the board shall be expressed by resolution.

Boundaries SEC. 3. If the board of supervisors shall determine that the petitioners have complied with the requirements herein set forth and that the notice required herein has been published as required, it shall thereupon proceed to a final hearing of the matter. Said board shall make such changes in the boundaries of the proposed district as it may deem advisable and shall define and establish such boundaries. Any person residing or owning property within said proposed district may appear before said board of supervisors at said hearing, in person or by attorney or agent, and oppose the creation of said district or request a change in the boundaries thereof and may produce evidence in support of his opposition or request.

Finding conclusive. SEC. 4. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons, except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within one year after the order of the board of supervisors declaring such district organized as herein provided, and not otherwise.

Order organizing district. SEC. 5. Upon the conclusion of the hearing of said matter said board shall, by an order entered on its minutes approve the said petition, as originally presented, or in a modified form, and declare the territory embraced within the boundaries established by said board as herein provided duly organized as a cemetery district. Said board shall then cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of such county. From and after such filing, the organization of such district shall be complete.

Trustees. SEC. 6. Such cemetery district shall be governed and managed by three trustees, appointed by the board of supervisors from electors residing therein. The trustees shall hold office for four years and until the appointment and qualification of their successors, and shall serve without compensation.

Seal. SEC. 7. Such cemetery district shall have power to adopt and use a common seal and to sue and be sued by its name.

Powers of district. SEC. 8. Said district shall maintain a cemetery for the use of all inhabitants of the district, and for that purpose shall be capable of holding title to property, taking property by grant, gift, devise, lease, or any other method, and doing all acts necessary or proper for the carrying out of the purposes, of this act, including the selling or leasing of burial lots.

Levy of tax. SEC. 9. The said board of cemetery trustees shall annually, at or before the time fixed by law for the levy of county taxes, estimate and certify to the board of supervisors the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and the board of supervisors shall

thereupon include in the annual tax levy a tax upon all the property within such cemetery district sufficient to raise the amount so certified by the trustees, but not exceeding two mills on each dollar of assessed valuation within the district.

SEC. 10. Said tax shall be collected by the same officers and in the same manner as other county taxes, and the same, together with all other moneys received by the trustees, shall be paid into the county treasury and shall constitute a separate fund to be expended solely for the purposes of the cemetery district upon warrants issued by the county auditor on orders signed by not less than two of said cemetery trustees. Cemetery district fund.

SEC. 11. The trustees shall, as soon after the first day of July in each year as is practicable, file with the county board of supervisors a report, setting forth all their transactions during the preceding fiscal year, and containing an itemized account of all their receipts and disbursements during said fiscal year, together with proper vouchers therefor. Report of trustees.

SEC. 12. The trustees shall make proper rules and regulations for the management of the cemeteries under their control, and all laws now in existence or which may hereafter be enacted relating to cemeteries, and not inconsistent with this act, shall apply to the cemeteries provided for in this act. Rules and regulations.

CHAPTER 653.

An act appropriating the sum of one hundred thousand dollars to carry out the purposes of an act entitled "An act authorizing the state treasurer and the board of control to enter into agreements to pay commissions on the sale of certain bonds of the State of California, and providing for the funds from which such commission shall be paid," as adopted at the forty-fourth session of the legislature.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended in carrying out the provisions of an act entitled "An act authorizing the state treasurer and the board of control to enter into agreements to pay commissions on the sale of certain bonds of the State of California, and providing for the funds from which such commission shall be paid," as adopted at the forty-fourth session of the legislature. Appropriation: commissions on sale of state bonds.

This appropriation is in addition to any funds provided for this purpose by any other act of the legislature of the State of California.

CHAPTER 654.

An act to add a new section, to be known as nine a thirty-six, to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a thirty-six, and to read as follows:

Counties of
36th class,
salary of
librarian.

Sec. 9a36. In counties of the thirty-sixth class the salary of the county librarian shall be one thousand eight hundred dollars per annum.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 655.

An act to add a new section to be numbered section nineteen x fourteen to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such

persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x fourteen, and to read as follows:

Sec. 19x14. In counties of the fourteenth class there shall be one probation officer whose salary shall be two thousand seven hundred dollars per annum; one assistant probation officer whose salary shall be one hundred dollars per month; and one assistant probation officer whose salary shall be seventy-five dollars per month.

Sec. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

Juvenile
court
law.

Counties of
14th class,
salary of
probation
officer.

Effect of
act.

CHAPTER 656.

An act to amend an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending sections thirty b, thirty-two, forty-seven and sixty-one thereof and to add a new section to said act to be numbered one hundred nine a, relating to the names of irrigation districts and to changing the names thereof.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p. 663,
amended.

SECTION 1. Section thirty b of the act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows:

Order
determining
amount
of bonds.

Sec. 30b. If after such examination and investigation the said commission shall deem it advisable that the said plans be modified or that the amount of the bonds proposed to be issued be changed, or that certain conditions should be prescribed to insure the success of the project, or that in its opinion it is not advisable to proceed with the proposed bond issue, it shall so state in its report to the board of directors. After receiving said report, or if no report is received within ninety days after the submission of said estimate and engineer's report to said commission, said board of directors, if it shall determine and shall declare by resolution that the proposed plan of works or some modified plan recommended by said commission is satisfactory and that the said project or said modified plan is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary therefor, and in determining said amount sufficient shall be included to cover the estimated cost of inspection of works in course of construction, as provided for by law; *provided*, that if any district shall issue bonds to carry out any plans approved by said commission as herein provided it shall be unlawful for said district to make any material change in said plans thereafter without the consent of said commission.

Stats. 1913,
p. 1000,
amended.
Sale of
bonds.

SEC. 2. Section thirty-two of said act is hereby amended to read as follows:

Sec. 32. The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous to raise money for the construction of said canals and works,

the acquisition of said property and rights, or the acquisition of any water or water rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks in some newspaper published in the county where the office of the board of directors is located and in any other newspaper at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds or any portion or portions thereof to the highest responsible bidder or bidders; *provided, however*, that they may reject any or all bids; *and provided, further*, that no proposal shall be accepted which is not accompanied by a certified check for such reasonable percentage of the amount of the bid as shall be determined by the board of directors, but in no event less than two per cent of the amount thereof to apply on the purchase price of the bonds, the amount of which check shall be forfeited if after the acceptance of the proposal the bidder shall refuse to accept said bonds and complete his purchase thereof on the conditions stated in his proposal. In case no award is made, the board thereafter may either readvertise said bonds or any part thereof for sale or sell the same or any part thereof at private sale but no sale of said bonds at private sale shall be valid unless approved by the California bond certification commission.

Sec. 3. Section forty-seven of said act is hereby amended to read as follows:

Sec. 47. A redemption of the property sold may be made by the owner, or any party in interest, within three years from the date of purchase, or at any time thereafter before a deed has been made and delivered. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the collector he must credit the amount paid to the person or his assignees. In each report the collector makes to the board of directors, he must name the person entitled to redemption money, and the amount due each. On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate, or of the collector for his use of the total amount of the redemption money, the recorder must mark the word "redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector or his successor in office, upon demand, must make to the purchaser, or his assignee, a deed of the property,

Stats. 1909,
p. 429,
amended.
Redemption
of property.

reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption; *provided*, that where property has been sold to the district it may be redeemed as herein provided, at any time before the district has disposed of the same. The collector shall receive from the purchaser, for the use of the district, two dollars for making such deed.

SEC. 4. Section sixty-one of said act is hereby amended to read as follows:

Stats. 1915,
p 1300,
amended.

Power to
incur indebtedness
restricted.

SEC. 61. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the levying of the first assessment, incur indebtedness in such sum or sums as shall amount to two thousand dollars, or, if the district shall contain more than four thousand acres, to one-half as many dollars as there are acres of land in the district, and may cause warrants of the district to be issued therefor, bearing interest at not more than seven per centum per annum, said rate to be fixed by the board of directors. Each such warrant shall be made payable on a date not later than the first day of July next after the first assessment in the district shall be levied, and if not paid when presented on the due date or thereafter shall be registered and the amount due thereon shall draw interest as provided in section sixty-one *a* of this act. Nothing contained in this section shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights or other property as elsewhere in this act authorized and by such lease or contract to bind the district for the payment of the consideration specified in such lease or contract, but if the smallest payment to be made under such lease or contract in any year exceeds an amount equal to ten cents an acre for all the land in the district, such lease or contract shall not be valid unless approved by the commission authorized by law to approve the bonds of irrigation districts as legal investments for savings banks, or unless an assessment sufficient to meet all the payments to become due under such lease or contract shall have been or shall be authorized for that purpose in accordance with section fifty-nine of this act.

SEC. 5. A new section is hereby added to said act after section one hundred nine thereof, to be known as section one hundred nine *a* and to read as follows:

Change of
name.

SEC. 109*a*. The name of any district hereafter organized hereunder shall contain either the words "irrigation district" or "water conservation district." Any district heretofore or hereafter organized and existing, the name of which shall include the words "irrigation district" may change its said name by substituting for the word "irrigation," "water con-

servation" by filing with the board of supervisors with which was filed the original petition for the organization of the district, a certified copy of a resolution of its board of directors adopted by the unanimous vote of all the members of said board at a regular meeting thereof providing for such change of name; and thereafter all proceedings of such district shall be had under such changed name, but all existing obligations and contracts of the district entered into under its former name shall remain outstanding without change and with the validity thereof unimpaired and unaffected by such change of name.

CHAPTER 657.

An act to amend sections two, three, four, five, six, seven, nine, eleven, fifteen and thirty-six of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two of the act entitled, "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, is hereby amended to read as follows: Stats. 1917, p. 46 amended.

Sec. 2. The board of supervisors of any county may initiate proceedings for the creation of a joint highway district to be composed of two or more counties of the state by the adoption of a resolution reciting: Resolution initiating proceedings.

(a) That the public interest requires the construction of a public highway, stating generally the location and course thereof, and naming the counties in or through which such highway will pass.

(b) The names of the counties interested in and which will be benefited by such highway construction.

(c) That it is proposed to create a joint highway district composed of the counties so named.

When adopted, certified copies of the same shall be transmitted to the clerks of the boards of supervisors of the counties named in the resolution.

SEC. 2. Section three of said act is hereby amended to read as follows: Stats. 1917, p. 46, amended.

Sec. 3. Upon receipt of a copy of the resolution adopted as aforesaid, the boards of supervisors of the several counties affected shall proceed to consider the advisability of forming said joint highway district. Each county board of super- Approval by supervisors.

visors, as soon as it has given tentative approval, shall notify the board initiating the proceedings. The latter board, as soon as it has received satisfactory evidence of tentative approval of the formation of the district by the several counties affected, shall notify the clerk of each board of supervisors of that fact.

Stats. 1917,
p. 46,
amended.
Board of
directors.

SEC. 3. Section four of said act is hereby amended to read as follows:

Sec. 4. Upon the receipt of such notice it shall be the duty of each of the boards of supervisors to name and appoint one of its members as a member of the board of directors of the joint highway district. When but two counties comprise a district the two directors thus chosen shall in turn select a third member of the board of directors.

Stats. 1917,
p. 47,
amended.
Organization
of board.

SEC. 4. Section five of said act is hereby amended to read as follows:

Sec. 5. It shall be the duty of each of the persons so appointed to meet within thirty days after notice of their appointment, and to organize by selecting a president or chairman and secretary from their membership.

Stats. 1917,
p. 47,
amended.
Estimates
and
surveys.

SEC. 5. Section six of said act is hereby amended to read as follows:

Sec. 6. Said board of directors shall furthermore have power to employ such assistance as may be necessary in the preparation of plans and estimates and in the making of preliminary surveys in order to furnish the several counties adequate engineering data before the district is completely organized. The cost and expenses of such investigation, estimates and reports shall be defrayed out of such moneys as may be allotted to the district board by the several boards of supervisors from time to time.

Stats. 1917,
p. 47,
amended.
Report of
directors.

SEC. 6. Section seven of said act is hereby amended to read as follows:

Sec. 7. Said board of directors shall tentatively fix the route of the proposed district highway, determine the approximate total cost thereof, and the portion thereof that should be borne by each county respectively. The board shall make and file a copy of said report with the board of supervisors of each of the counties affected. Within thirty days of the receipt of such report, each board of supervisors shall adopt or reject the proposal for formation of the joint highway district. Failure of a board of supervisors to act within said time shall be deemed a rejection. A certified copy of each such ordinance shall be forthwith transmitted to the board which initiated the proceedings, whereupon the latter board shall make a finding as to the final approval or disapproval of the formation of the district, and notify the clerks of the several counties as to the result. In case the several boards vote in favor of formation of the district, a certified copy of such notice of finding shall be filed with the secretary of state, whereupon the said joint highway district shall be deemed created and organized, and shall exercise all the

Finding
creating
district.

powers granted by this act, and shall be a public corporation under the designation of "Joint highway district No.----- of the State of California." Districts shall be numbered in the order of their creation.

SEC. 7. Section nine of said act is hereby amended to read as follows: Stats. 1917,
p. 48,
amended.

Sec. 9. Said joint highway districts shall be managed, and the powers herein conferred thereon, shall be exercised by a board of directors. Said directors shall be chosen and appointed as follows: One by the board of supervisors of each of the counties composing said district from its members, and in case the district is composed of but two counties, a third member shall be chosen by the two members chosen by the counties. Said directors shall serve during the pleasure of the appointing power. They shall receive no compensation for their services, but may be allowed actual expenses incurred by them in connection with the discharge of their duties under this act. Appoint-
ment of
directors.

SEC. 8. Section eleven of said act is hereby amended to read as follows: Stats. 1917,
p. 48,
amended.

Sec. 11. Said joint highway district through its board of directors shall have power— Powers of
district.

To lay out, construct and maintain a highway as specified in this act.

To accept in the name of the district all gifts, donations or contributions from any source whatsoever made to further the purpose of this act, and the counties composing the district may convey such public highways as may be utilized as a part of the highway herein authorized to be constructed.

To acquire necessary lands, or rights of way for purposes of such highway.

To exercise the right of eminent domain necessary to acquire lands or rights of way for highway purposes.

To acquire and use such personal property as may be necessary in the exercise of the powers herein granted.

To employ such labor and service as may be necessary.

To arrange for the safe keeping of all funds belonging to the district and to this end may appoint a treasurer or depository, and exact from him such bonds or other security as may be proper.

To sue and be sued.

To adopt a seal.

SEC. 9. Section fifteen of said act is hereby amended to read as follows: Stats. 1917,
p. 49,
amended.

Sec. 15. Upon the conclusion of such hearing such board of directors shall make an order determining the amount of the benefits to accrue to the state and to each county comprising the district, and to the people residing therein, and shall make an assessment against the state and said counties in proportion to the benefits so to accrue, in a sum equal to said estimated cost, or so much thereof as may be necessary, but said estimated cost, if deemed excessive, may be reduced to Assessment
of cost.

such an amount as the board of directors shall deem proper. The amount of such assessment shall be certified to and transmitted to the state board of control, and to the boards of supervisors of the counties constituting the district.

The provisions of this section shall not be construed to require that the assessment imposed shall be sufficient to meet the entire estimated cost of the proposed highway, but may provide for the construction of only such portions thereof as may be deemed expedient. From time to time additional assessments may be imposed for any remaining portion of such highway, or to provide for its completion in the event of the cost exceeding the estimate made by the engineer.

Sec. 10. Section thirty-six of said act is hereby amended to read as follows:

Sec. 36. In case it shall be determined that any sum of money authorized to be expended from the state treasury shall be expended as required by section twenty-two of article four of the constitution, then the advisory board of the state engineering department shall have the exclusive management and control of such expenditure, if the boards of supervisors of the several counties concerned assent to the relinquishment and transfer of such management and control, but such advisory board may, in its discretion, delegate its powers to the board of directors of the joint highway district and said joint highway district is hereby declared to be a state institution within the meaning of said constitution. The board of directors of the district may vest in the state engineering department authority to supervise the work of construction.

Stats. 1917,
p. 53,
amended.
Management
by state
advisory
board.

CHAPTER 658.

An act to amend sections two, twenty and twenty-five of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended.

[Approved June 1, 1921. In effect July 31, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two of an act of the people of the State of California entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the

Stats. 1919,
p. 231,
amended

enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations" approved May 18, 1917, as amended, is hereby amended so as to read as follows:

Sec. 2. Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter, and in the neuter, the masculine and feminine; the singular number includes the plural, and the plural, the singular; "Writing" includes "printing" and "typewriting"; "oath" includes "affirmation"; the word "county" includes "city and county"; and "territory" includes "district." The following words have in this act the signification attached to them in this section, unless otherwise apparent from the context:

1. The word "department" means the "state corporation department" created by this act.

2. The word "commissioner" means the "commissioner of corporations."

3. The word "company" includes all domestic and foreign private corporations, associations, joint stock companies, and partnerships, of every kind, and also trustees, as hereinafter defined; excepting therefrom:

(a) All national banking associations and other corporations organized and existing under and by virtue of the acts of the congress of the United States;

(b) All public utilities subject to the jurisdiction, control, and regulation of the railroad commission of this state;

(c) All corporations now or hereafter organized under the laws of this state for the purpose of conducting the business of banking within this state and all corporations transacting insurance business within this state;

(d) All corporations, associations, or societies transacting business under the supervision, examination, and license of the bureau of building and loan supervision; and

(e) Every corporation organized under the laws of this state exclusively for the purposes provided in any of the following titles, to wit: Eleven *a*, twelve, twelve *a*, and fourteen, of part four, division first, of the Civil Code, and in accordance with the provisions of such titles.

4. The word "trust" as used in this act includes all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing, other than a will or a judicial writ, order, decree, or judgment, to carry on any business or to secure the payment or repayment of money.

5. The word "trustee," except as hereinafter used in subdivision nine of this section, includes only persons or companies executing trusts as hereinbefore defined.

6. The word "security" includes:

(a) All shares or other interests or rights into which the capital, capital stock, or property of companies or rights of stockholders or members thereof are divided, including all

treasury shares and shares of their own capital stock purchased or otherwise acquired by companies upon delinquent assessment sales or in any other lawful manner, and all certificates and other instruments issued by them or their authority, evidencing or representing such shares, interests, or rights;

(b) All bonds, debentures, and evidences of indebtedness issued by any company; and

(c) Any instrument issued or offered to the public by any company, evidencing or representing any right to participate or share in the profits or earnings or the distribution of assets of any business carried on for profit; excepting therefrom the following:

1. Bills of exchange and promissory notes not offered to the public by the drawer, maker, or underwriter thereof, and all mortgages and deeds of trust of property situated in this state, executed to secure the payment thereof; and

2. Any security listed in any standard manual of information, as to which the commissioner shall first make and file his written finding to the effect that such security is fully and accurately described in such manual and that a sale thereof will not, in his opinion, work a fraud upon the purchaser thereof; *provided*, that if such finding shall thereafter be vacated or set aside, such security shall not thereafter be deemed to be included within this exception.

"Sale."

7. A "sale," within the meaning of this act, includes every contract by which, for a pecuniary consideration, called a price, one transfers to another an interest in property, and also an exchange, a pledge, a hypothecation, and any transfer in trust or otherwise as security for the performance of an obligation, and also any issue of any security by a company; and the word "sell," as used in this act, includes every act by which such sale is made; *provided, however*, that the execution or delivery of a certificate or certificates in exchange for a certificate or certificates evidencing a like aggregate par value of its shares theretofore legally issued by it, shall not be construed to be a sale.

"Agent."

8. The word "agent" as used in this act means and includes every person or company employed or appointed by a company or a broker who shall, within this state, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of, or take subscriptions for any security of any company of its own issue offered for sale by it.

"Broker."

9. The word "broker" as used in this act includes every person or company, other than an agent, who shall, in this state, engage, either wholly or in part, in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any security or securities issued by others, or of underwriting any issue of securities or of purchasing such securities with the purpose of reselling them or of offering them for sale to the public for a commission or at a profit; excepting therefrom the following:

(a) Any owner of any security who is not the issuer or an underwriter thereof, who sells or exchanges the same for his own account; *provided*, that such sale or exchange is not made in the course of repeated and successive transactions of like or similar character by him;

(b) Any trustee of a trust created by or declared in a will or a judicial writ, order, decree or judgment, who, in such capacity, lawfully disposes of any property;

(c) Any company transacting a banking or insurance business in this state, selling a security for an owner thereof or a broker, other than an underwriter thereof, at a commission of not more than two per cent of the par or face value thereof; *provided*, such sale is not made in the course of repeated and successive transactions of like or similar character by such company;

(d) One, not the issuer, who disposes of securities to a broker or to a purchaser who, as a part of his regular business, purchases such securities;

(e) Any pledge holder selling, in good faith and not for the purpose of avoiding the provisions of this act, and in the ordinary course of business, a security pledged with him as security for a bona fide debt.

10. The words "actual fraud," as used in this act, are defined in section one thousand five hundred seventy-two of the Civil Code. "Actual
fraud."

SEC. 2. Section twenty of said act is hereby amended to read as follows: Stats. 1917,
p. 683,
amended.

Sec. 20. The commissioner shall charge and collect the following fees: Fees.

1. For filing any application for a permit to issue securities, ten dollars, plus

One twentieth of one per cent of the amount of any excess of the aggregate value of the securities sought to be issued over twenty thousand dollars and not exceeding fifty thousand dollars;

One twenty-fifth of one per cent of such amount in excess of fifty thousand dollars and not exceeding one hundred thousand dollars;

One fiftieth of one per cent of such amount in excess of one hundred thousand dollars and not exceeding five hundred thousand dollars; and

One one-hundredth of one per cent of such amount in excess of five hundred thousand dollars.

The value of such securities shall be deemed to be their par or face value, if they have a par or face value; otherwise, the price at which the company proposes to sell or issue the same, or the value, as alleged in the application, of the consideration (if other than money) to be received in exchange therefor.

2. For filing any application for a permit or other authority to make dividends, create debts, or to divide, withdraw, increase, reduce or pay to the stockholders, or any of them, the capital stock, or any part thereof, the same amount that

would otherwise be chargeable or collectible if such application were for a permit to issue securities; *provided*, that in any such case the value shall be determined by the amount of dividends made, debts created, or capital stock divided, withdrawn, increased, reduced, or paid.

3. For filing any application for a broker's certificate, five dollars.

4. For filing any application for an agent's certificate, one dollar.

5. For any examination, audit, or investigation, ten dollars per day or fraction thereof, if made by the commissioner, or the actual amount of the salary or other compensation, not exceeding ten dollars per day, paid to any deputy or other employee of the commissioner, if made by a deputy or other employee, for each day or fraction thereof that such commissioner, deputy, or other employee shall necessarily be absent from his office for the purpose of making such examination, audit, or investigation, plus the actual amount of expenses reasonably incurred in the performance of such work.

6. For copies of papers and records not required to be certified or otherwise authenticated by the commissioner, ten cents for each folio.

7. For certified copies of official documents, orders, and other papers filed in his office; for making and mailing copies of process served upon him under the provisions of section eighteen of this act, and for transcripts on appeal, fifteen cents for each folio and one dollar for each certificate under seal affixed thereto.

8. For certificate of service and mailing of process served upon the commissioner under the provisions of section eighteen of this act, two dollars.

No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity or for the reports of the commissioner in the ordinary course of distribution; but the commissioner may fix a reasonable charge for the publications issued under his authority.

All fees charged and collected under this section shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the "corporation commission fund," which fund is hereby created.

SEC 3. Section twenty-five of said act is hereby amended to read as follows:

Sec. 25. Neither this act nor any provision hereof shall be deemed to prohibit subscriptions for shares of a domestic corporation made prior to the incorporation thereof and set forth in its articles of incorporation; but such subscriptions shall be deemed to have been made and accepted upon the condition that such corporation shall be incorporated within ninety days thereafter and, when incorporated, shall with reasonable diligence apply for and secure from the commissioner a permit

Stats. 1917,
p. 685,
amended.

Subscription
for shares
prior to
incorpora-
tion.

authorizing the issue of the shares so subscribed for, in accordance with such subscriptions. The directors or trustees named in the articles of incorporation may, prior to the issue of any shares, organize by the election of a president, who must be one of their number, a secretary and a treasurer; and such directors, or a majority of them, or such president and secretary may, in the name of and in behalf of the corporation, present an application to the commissioner as herein provided.

CHAPTER 659.

An act to amend section four thousand two hundred forty-seven of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-seven of the Political Code is hereby amended to read as follows:

4247. In counties of the eighteenth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, Counties of 18th class, salaries of officers.
to wit:

1. The county clerk, three thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies who shall be appointed by the county clerk and shall be paid salaries as follows: One deputy clerk at a salary of one thousand eight hundred dollars per annum, and one at a salary of one thousand five hundred dollars per annum and one at a salary of one thousand four hundred dollars per annum. The salaries of the deputies herein provided for shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same funds as the salary of the county clerk; *provided*, also, that in counties of this class there shall be and is hereby allowed to the county clerk such additional clerks and assistants as the county clerk may require, and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one year, and he shall also receive an additional sum of ten cents per name for each affidavit for registration taken outside the office by deputy registration clerks, claims for the services of such additional clerks and assistants and for registration outside of his office shall be presented to and allowed by the board of supervisors as other claims against the county are presented and allowed. County clerk.

Sheriff.

2. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff three deputies who shall be appointed by the sheriff; one at a salary of one hundred fifty dollars per month, one at a salary of one hundred twenty-five dollars per month, and one at a salary of ninety dollars per month. The salaries of said deputies shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid; *provided, further*, that there shall be allowed the said sheriff and his deputies the actual traveling expenses in attending to the duties of the office both civil and criminal including his necessary expenses for pursuing criminals or transacting any criminal business. All fees, commissions and mileage shall be turned over to the county and become the property of the county.

Recorder.

3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: One chief deputy at a salary of one hundred twenty-five dollars per month, and two deputies at a salary of one hundred dollars per month each, said salaries to be paid by said counties in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid; *provided, also*, that in counties of this class there shall be and is hereby allowed to the recorder such additional clerks and assistants as the recorder may require, and whose compensation in the aggregate shall not exceed one thousand dollars in any one year. Claims for such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid.

Auditor.

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor one chief deputy, who shall be appointed by the auditor and paid a salary of one hundred thirty-five dollars per month, said salary to be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor is paid; *provided, also*, that in counties of this class there shall be and hereby is allowed to the auditor such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed one thousand dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid.

Treasurer.

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector.

6. The tax collector, three thousand dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the tax collector one deputy who shall be appointed by said tax collector, at a salary of one thousand

five hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the tax collector is paid; *also provided*, that the said tax collector shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of seven hundred dollars in any one year. Claims for services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid. All commissions and fees of whatever character of the tax collector shall be paid in the county treasury.

7. The assessor, three thousand dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two office deputies whose offices are hereby created, each of whom shall receive a salary of one thousand five hundred dollars per year; said deputies shall be appointed by said assessor and said salaries shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; *provided, also*, that in the counties of this class there shall be and is hereby allowed to the assessor the following field deputies: Three for a period of four months each during each fiscal year, whose offices are hereby created and who shall be appointed by the assessor and be paid a salary of two hundred dollars per month each; two for a period of four months each during each fiscal year whose offices are hereby created and who shall be appointed by the assessor and be paid a salary of one hundred twenty-five dollars per month each; one for a period of four months during each fiscal year, whose office is hereby created and who shall be appointed by the assessor and be paid a salary of seventy-five dollars per month; and one for a period of four months during each fiscal year, who shall be appointed by the assessor and be paid a salary of sixty dollars per month; said salaries to be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; *and provided, further*, that said assessor shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of one thousand dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid; *and provided, further*, that the assessor shall be allowed his actual traveling expenses including the expense of operating and maintaining an automobile, when engaged in attending to official business not exceeding the sum of two hundred dollars in any one year, claims for which expenses shall be allowed and paid, but if the county shall provide and maintain an automobile for the use of the assessor's office no transportation expenses shall be allowed the assessor or his deputies when traveling in the county. All commissions or

fees heretofore or now allowed by law to the assessor, shall be paid by him into the county treasurer.

District
attorney

8. The district attorney, three thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies and a stenographer, whose offices are hereby created and who shall be appointed by the district attorney and shall be paid salaries as follows: One deputy at a salary of one hundred fifty dollars per month; one deputy at one hundred twenty-five dollars per month and one deputy at fifty dollars per month, and one stenographer at a salary of ninety dollars per month; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney is paid.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public ad-
ministrator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintend-
ent of
schools.

11. The superintendent of schools, three thousand dollars per annum, and actual traveling expenses when visiting the schools of his or her county; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy, who shall be appointed by the superintendent of schools and paid a salary of one hundred twenty-five dollars per month, said salary to be paid by said county in monthly installments, and at the same time and in the same manner and out of the same funds as the salary of the superintendent of schools is paid.

Surveyor.

12. The county surveyor, for all services required of him as county surveyor and also for all services which may be required of him as a road engineer, shall receive one thousand five hundred dollars per annum and necessary costs of transportation to and from, and necessary expenses in the field while engaged on public work; *provided*, that in counties of this class there shall be and there is hereby allowed the county surveyor one deputy who shall be appointed by said county surveyor at a salary of one hundred fifteen dollars per month, to be paid at the same time and in the same manner and out of the same funds as the salary of the county surveyor is paid; *provided, further*, that whenever said surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor he shall do so without charge or extra compensation therefor.

Justices of
the peace.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in civil and criminal cases: In townships having a population of more than fifteen thousand, one hundred twenty dollars per month and said justice shall be furnished with an office and necessary supplies by the board of supervisors of said county; in townships having a population of five thousand and

not over fifteen thousand, one hundred dollars per month; and said justice shall be furnished with an office and necessary supplies by the board of supervisors of said county; in townships having a population over four thousand and not over five thousand, sixty dollars per month; in townships having a population over three thousand and not over four thousand, fifty dollars a month; in townships under three thousand, twenty-five dollars per month. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1920.

14. Constables shall receive the following monthly salaries, ^{Constables.} to be paid each month and in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of five thousand and not over ten thousand, seventy-five dollars per month; in townships having a population of four thousand and not over five thousand, fifty dollars per month; in townships having a population of three thousand and not over four thousand, forty dollars per month; in townships having a population of under three thousand, twenty-five dollars per month. In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1920.

15. Each supervisor for all services required of him as super- ^{Supervisor.}visor and ex officio road commissioner, one thousand five hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat to attend meetings of the board of supervisors. No other mileage or remuneration and no traveling expenses shall be allowed.

CHAPTER 660.

An act to amend section one hundred three c of the Code of Civil Procedure of the State of California, relating to the appointment of clerks and deputy clerks of justices of the peace in certain townships and providing for the duties and compensation thereof.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one hundred three c of the Code of Civil Procedure is hereby amended to read as follows:

Counties of
3d class,
justice's
clerk.

103c. In counties of the third class in townships having a population of more than seventy-five thousand as said population was determined by the federal census taken in the year anno domini 1910, where provision is not otherwise made by law, there shall be one justice's clerk and one justice's deputy clerk who shall be appointed by the justice of the peace or justices, if more than one, and who shall hold office at the pleasure of such justice or justices. Said clerk and deputy shall be appointed immediately on this act taking effect and shall take the oath of office prescribed for county officers and give a bond in the sum of five thousand dollars, conditioned on the faithful discharge of the duties of the office, which bond shall be approved and filed in the same manner as the bonds of county officers. If a surety company be the surety on such bond, the premium or charge therefor shall be paid by the county in the same way and shall be governed by the same restrictions as to the amount of premium as are the bonds of county officers. Such justice's clerk and justice's deputy clerk shall perform the duties required of them by law, and in addition such clerical duties in connection with the business of the court as is required of such clerk or deputy by the justice or justices of said court. The board of supervisors shall provide in a convenient locality a suitable office for the justice's clerk. The said justice's clerk and deputy justice's clerk shall be in attendance at his office or the court and in the discharge of official business daily from nine a.m. until five p.m.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 661.

An act to add a new section to be numbered section nineteen x thirty-two to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof, and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers, said section to be numbered nineteen x thirty-two to read as follows:

Counties of
32d class,
salary of
probation
officer.

Sec. 19 π 32. In counties of the thirty-second class there shall be one probation officer, whose salary shall be one hundred fifty dollars per month. In counties of the thirty-second class the probation officer shall perform in addition to his duties as probation officer the duties of the attendance officer for the schools of the county and investigator for the board of supervisors on applications for county and state aid, without any additional compensation except his necessary expenses and mileage not to exceed six hundred dollars per annum.

CHAPTER 662.

An act to amend section four thousand two hundred sixty-eight of the Political Code, and to add a new section thereto to be numbered four thousand two hundred sixty-eight a, relating to the salaries, fees and expenses of officers, and the fees and mileage of jurors in counties of the thirty-ninth class.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-eight of the Political Code is hereby amended to read as follows:

4268. In counties of the thirty-ninth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand dollars per annum, and when a great register of voters is required by law to be made, he shall receive the sum of fifteen cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election and paid from the general fund of the county; *provided*, that in any year when a primary election is held, he shall receive the sum of five hundred dollars additional, which shall be in full for all services rendered at said primary election.

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justices' courts, the same fees as are now or may be hereafter allowed by law to constables for like services.

3. The recorder, three thousand two hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

5. The treasurer, two thousand five hundred dollars per annum.

6. The tax collector, six hundred fifty dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

Counties of
39th class,
salaries of
officers.

County
clerk.

Sheriff.

Recorder.

Auditor.

Treasurer.

Tax
collector.
Assessor.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, at a salary of six hundred dollars per annum. The deputy district attorney shall hold office at the pleasure of the district attorney. The salary of such deputy shall be paid monthly and in the same manner as salaries of county officers are now paid. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, four hundred dollars per annum. Public administrator.

11. The superintendent of schools, two thousand seven hundred dollars per annum; and he shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county. Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law. Surveyor.

13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and the actual expenses incurred in attendance and for traveling to and from his residence to the county seat at any regular or special session of the board, and that one-twelfth of the annual salary shall be paid at the close of each monthly session of the board; *and provided, further*, they shall be reimbursed for necessary expenses actually incurred by attending any special session of the board. The road commissioner shall be reimbursed for all traveling, personal and other necessary expenses incurred while actually engaged in the performance of his duty upon the roads; such allowance not to exceed the sum of five dollars for each day so actually engaged, and the total amount of such allowance not to exceed the sum of three hundred dollars per annum. Supervisors.

14. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of 1920, as follows: Townships having a population of four thousand and more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand five hundred shall belong to and be known as townships of the third class; townships having a population of less than one thousand shall belong to and be known as townships of the fourth class. Justices of the peace shall receive the following salaries: In townships of the first class, the sum of one thousand two hundred dollars per annum; in townships of the second class, the sum of one thousand two hundred dollars per annum; in townships Classification of townships.
Justices of the peace.

of the third class, the sum of six hundred dollars per annum; in townships of the fourth class, the sum of sixty dollars per annum; payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services; *provided, further*, that justices of the peace shall, before receiving their monthly salary file with the auditor a statement of all fees and fines received, together with the treasurer's receipt for the same. All fees and fines collected by justices of the peace shall be turned over to the county treasurer of said county; *provided*, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed.

Constables.

15. The constables: (a) For all services rendered by them in civil cases, they may receive and retain for their own use such fees as now or hereafter may be allowed by law, and (b) For all services rendered by them in criminal cases they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury, and in addition constables in townships of the first class shall be allowed a salary of four hundred eighty dollars per annum; in townships of the second class, four hundred eighty dollars per annum; in townships of the third class, one thousand eighty dollars per annum; in townships of the fourth class, such fees as are now or may be hereafter allowed by law.

Reporter.

16. In the counties of this class the official reporter of the superior court shall receive such fees as are now or may be hereafter allowed by law, and when necessary for such reporter to travel away from the county seat in the performance of his duty he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges.

SEC. 2. A new section is hereby added to the Political Code to be numbered four thousand two hundred sixty-eight *a*, and to read as follows:

Jurors.

4268*a*. In counties of the thirty-ninth class, grand jurors and trial jurors in the superior court shall each receive for each day's attendance, the sum of three dollars, and mileage to be computed at the rate of thirty-five cents per mile for each mile actually and necessarily traveled from their residences to the county seat, in going only; such mileage to be allowed but once during each session such jurors are required to attend; *provided*, that no one mileage shall exceed the sum of fifteen dollars.

Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

Sec. 3. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 663.

An act to amend section four thousand two hundred seventy-four of the Political Code, relating to salaries and fees of officers in counties of the forty-fifth class.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-four of the Political Code is hereby amended to read as follows:

4274. In counties of the forty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars per annum, and one deputy clerk, which office of deputy clerk is hereby expressly created. The office of deputy clerk shall be filled by the clerk by appointment, and said deputy clerk is to be at all times under the supervision and control of the clerk, as to his duties, and said deputy clerk shall receive a salary of one thousand two hundred fifty dollars per annum. The provisions of this subsection do not increase the compensation of the county officer and shall take effect immediately.

2. The sheriff, four thousand two hundred fifty dollars per annum; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and provided, further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all services of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, one thousand eight hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, five hundred dollars per annum; *provided*, as license collector, he shall, in addition, be entitled to receive, and retain for his own use and benefit, ten per cent on all licenses collected by him.

Assessor.

7. The assessor, one thousand eight hundred dollars per annum. The assessor shall appoint a deputy or deputies when needed, at a per diem of five dollars, but the salaries of such deputy or deputies shall not exceed in the aggregate the sum of twelve hundred fifty dollars.

District attorney.

8. The district attorney, one thousand eight hundred dollars per annum; *provided*, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools.

11. The superintendent of schools, twenty-one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, which expenses shall not exceed three hundred dollars per annum and shall be allowed and paid as a county charge.

Surveyor.

12. The surveyor, such fees as are now or may hereafter be allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

Justices of the peace and constables.

13. In counties of this class, the township officers shall receive the following compensation, to wit: in townships having a population of three thousand or more, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month. In townships having a population of more than twenty-two hundred and less than three thousand, the justices of the peace shall receive a monthly salary of forty-five dollars per month, and constables a monthly salary of fifty-five dollars per month. In townships having a population of more than eighteen hundred and less than twenty-two hundred, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of fifty dollars per month. In townships having a population of more than fourteen hundred and less than eighteen hundred, justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of forty-five dollars per month. In townships having a population of less than fourteen hundred, justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of forty dollars per month. The salaries above specified shall be in full compensation of justices of the peace for all services of every kind and description rendered by them whether in criminal or in civil cases, but the salaries of constables as above specified shall be in full compensation for all services in criminal cases only rendered by said constables and they may retain for their own use and benefit the fees allowed by law in civil cases: *provided*, that

in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law; for transporting prisoners to the county jail, the actual expenses of such transportation; and *provided, further*, that for the purpose of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one half ($3\frac{1}{2}$).

14. Each supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as road commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such road commissioner. Supervisors.

15. Grand jurors, and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled, in going only, while acting as such jurors, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same. Jurors.

16. The county librarian shall receive one thousand five hundred dollars per annum. County Librarian.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 664.

An act to amend section four thousand two hundred fifty-nine of the Political Code, relating to the salaries, fees and expenses of officers, in counties of the thirtieth class.

[Approved June 2, 1921. In effect—see subsection 19.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty-nine of the Political Code is hereby amended to read as follows:

4259. In counties of the thirtieth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses to wit: Counties of 30th class. salaries of officers.

County
clerk.

1. The county clerk three thousand six hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law; *and provided*, that in counties of this class, there shall be and is hereby allowed to the county clerk one deputy to be appointed by said county clerk who shall be paid a salary of two thousand one hundred dollars per annum, one deputy to be appointed by said county clerk who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy (who shall be a stenographer) to be appointed by said county clerk who shall be paid a salary of one thousand five hundred dollars per annum, which salary of said deputies herein provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; *provided, further*, that in any year when a new and complete registration of voters, or a supplemental registration of voters, is required by law the county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of ten cents for each elector registered by such deputy, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by said county clerk; *provided, further*, that in any year when a general election, primary election, special state election, special county election, or special district election ordered by the board of supervisors, is held, there shall be allowed to said county clerk such number of assistants as is necessary to properly prepare for and conduct any of said elections and which said assistants shall be paid out of the general fund of the county on the presentation and filing with the board of supervisors duly verified claims therefor approved by said county clerk.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the county clerk by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

Sheriff.

2. The sheriff three thousand five hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law, and his actual traveling expenses; *and, provided*, that in counties of this class there shall be and is hereby created the office of under sheriff, to be appointed by the sheriff, who shall be paid a salary of two thousand dollars per annum; also one deputy, to be appointed by the sheriff, who shall be paid a salary of one thousand six hundred eighty dollars per annum, and also one deputy, to be appointed by the sheriff, who shall be paid a salary of one thousand six hundred eighty dollars per annum, which salaries of said under sheriff and said deputy sheriffs herein provided for, shall be paid out of the same fund and in the same manner

and at the same time as the salaries of other county officers are paid.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the sheriff by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

3. The recorder two thousand dollars per annum and six cents for each folio recorded. Recorder.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the recorder by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

4. The auditor, two thousand four hundred dollars per annum until the first Monday of January, 1923, from and after which date the auditor shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum. The auditor may also appoint a deputy, which office of deputy auditor is hereby created, whose salary shall be one thousand five hundred dollars per annum, payable at the same time, out of the same funds, and in the same manner as the salaries of other county officers are paid. Auditor.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the auditor by law, or by virtue of his office, and it is intended hereby that the salary of two thousand four hundred dollars per annum shall apply immediately to the present incumbent.

5. The treasurer two thousand seven hundred dollars per annum. Treasurer.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the treasurer by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

6. The tax collector two thousand one hundred dollars per annum until the first Monday of January, 1923, from and after which date the tax collector shall receive a compensation for the services required by law, or by virtue of his office, three thousand dollars per annum. In counties of this class there shall be, and is hereby allowed to the tax collector a deputy who shall be appointed by said tax collector, who shall be paid a salary of one thousand five hundred dollars per annum, which salary shall be paid at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector, one deputy for the period of time employed between the first day of August and the thirty-first day of December of each fiscal year, which said deputy shall be appointed by the said tax Tax collector.

collector, and shall be paid a salary of seventy-five dollars per month during the period of time said deputy shall be employed, and which salary shall be paid at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the tax collector by law, or by virtue of his office, and it is intended hereby that the salary of two thousand one hundred dollars per annum shall apply immediately to the present incumbent.

Assessor.

7. The assessor, four thousand dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law; *and provided*, that in counties of this class there shall be and there is hereby allowed the assessor, a deputy, who shall be appointed by said assessor and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of county officers are paid; *provided, further*, that in counties of this class there shall be and there is hereby allowed the assessor, two copyists for a period not exceeding four months in any one year, at a salary of sixty dollars each per month.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the assessor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

District attorney.

8. The district attorney, two thousand seven hundred fifty dollars per annum; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be sixteen hundred dollars per annum; and in counties of this class he may also appoint a clerk, who shall be a stenographer, which office of clerk to the district attorney is hereby created, whose salary shall be twelve hundred dollars per annum; the salaries of said assistant district attorney and clerk shall be payable as the salaries of other county officers.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services of the district attorney by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

Coroner

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools, two thousand dollars per annum until the first Monday in January, 1923, from and after which date the superintendent of schools shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum.

The superintendent of schools shall be allowed his actual traveling expenses when visiting the schools of his county, and may appoint a deputy superintendent with a salary of one thousand six hundred eighty dollars per annum, payable at the same time, out of the same funds, and in the same manner as the salaries of other county officers are paid.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the superintendent of schools by law, or by virtue of his office, and it is intended hereby that the salary of two thousand dollars per annum shall apply immediately to the present incumbent.

12. The surveyor, one thousand five hundred dollars per annum for all work performed for the county; *provided*, that in counties of this class there shall be and hereby is allowed to the surveyor one assistant to be appointed by the surveyor, whose salary shall be nine hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salary of the surveyor is paid; and in addition thereto the surveyor shall be allowed actual traveling and other necessary expenses, incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, or block book for the use of the county assessor he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than five thousand, two hundred dollars per month; in townships having a population of more than seventeen hundred and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than one thousand five hundred and less than seventeen hundred, seventy-five dollars per month; in townships having a population of more than one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of less than one thousand, thirty-five dollars per month. The board of supervisors of such counties shall furnish and maintain for the use of justices of the peace in townships having a population of two thousand five hundred or more, an office suitable for use as a courtroom, equipped with the necessary furniture for the proper and convenient conduct of business therein. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of this state and amendment thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business.

Constables.

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases, and in all other criminal matters: In townships having a population of more than five thousand, one hundred fifty-five dollars per month; in townships having a population of more than seventeen hundred and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than fifteen hundred and less than seventeen hundred, seventy-five dollars per month; in townships having a population of more than one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of less than one thousand, thirty-five dollars per month; *provided*, that each constable shall be allowed and paid out of the treasury of the county for traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters (when such service is in fact made) both going and returning, twenty cents per mile; and shall also be allowed and paid mileage at the rate of twenty cents per mile for every mile actually traveled within his county, both going and returning, in making an arrest or conveying prisoners to prison or to court, and also all other necessary expenses incurred in the performance of any of his duties other than in civil cases; said mileage and other expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which are now or may hereafter be allowed by law, and shall also be allowed mileage at the rate of fifteen cents per mile for every mile actually traveled within his county.

Supervisors.

15. Each member of the board of supervisors, one thousand two hundred dollars per annum, payable in monthly installments, and for serving as road commissioner two hundred dollars per annum; also each shall be allowed paid his actual necessary traveling expenses incurred by him while engaged in the county business outside of his district whether within or without the boundaries of his county, also his actual necessary expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the expense of each member attending such convention shall not exceed forty dollars in any one year; also each supervisor shall be allowed and paid his traveling expenses, while supervising the roads of his district, at the rate of twenty cents per mile for each mile so traveled; *provided*, that the amount so allowed and paid shall not exceed the sum of seventy-five dollars in any one month.

Reporter

16. In counties of this class the official phonographic reporter of the superior court shall receive as compensation for his services the fees and compensation now or hereafter provided by law, and in addition thereto shall receive five dollars per

day when not actually engaged in reporting in said court, but when in attendance on said court in compliance with and as provided by section two hundred seventy-one of the Code of Civil Procedure, the said per diem of five dollars to be paid in the same manner as provided in criminal cases.

17. The population of the several judicial townships, for the purpose of fixing compensation of township offices shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January in every odd numbered year. Population of townships.

18. Witnesses subpoenaed in criminal cases and in cases of dependent and delinquent persons shall receive two dollars per day and ten cents per mile for every mile actually traveled. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed. Witnesses.

19. It is intended by this amendment that the increase of compensation hereby made for the county clerk, sheriff, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, superintendent of schools, surveyor, justice of peace, constables and members of the board of supervisors shall become operative as to each of the said offices only upon the expiration of the present term; all other provisions herein contained shall take effect immediately, and apply to all present incumbents, except as hereinbefore provided. In effect when.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided. Effect of act.

CHAPTER 665.

An act to amend section four thousand two hundred forty-six of the Political Code, relating to the salaries, fees and expenses of officers in counties of the seventeenth class.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-six of the Political Code is hereby amended to read as follows:

4246. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them Counties of 17th class, salaries of officers.

by law or by virtue of their offices the following salaries, fees and expenses, to wit:

County
Clerk.

1. County clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the county clerk, one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall receive a salary of one thousand five hundred dollars per annum, and one deputy who shall receive a salary of one thousand two hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them, and also one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed two hundred fifty dollars for each such registration year.

Sheriff.

2. Sheriff, three thousand dollars per annum; *provided*, that in counties of this class, there shall be, and hereby is, allowed to the sheriff, one undersheriff, whose salary is hereby fixed in the sum of two thousand four hundred dollars per annum, one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy, who shall be jailer, who shall receive a salary of one thousand five hundred dollars per annum; one deputy, who shall be court bailiff, who shall receive a salary of one thousand five hundred dollars per annum, one deputy, who shall also be chauffeur, who shall receive a salary of one thousand five hundred dollars per annum, and four additional deputies, who shall each receive a salary of one thousand five hundred dollars per annum.

Recorder.

3. Recorder, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be, and is hereby allowed the recorder one deputy at a salary of one thousand five hundred dollars per annum, and two deputies for twelve months in each year at one hundred dollars each per month, and as many copyists as may be required who shall receive as compensation the sum of five cents per folio for recording, copying and comparing any instrument or notice, except maps or plats, and for copies of any record or paper, five cents per folio. The salaries of all copyists herein provided for shall be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund that the salary of the county recorder is paid.

Auditor.

4. Auditor, two thousand four hundred dollars per annum; *provided*, that there is hereby allowed to the auditor one chief deputy who shall receive a salary of one thousand five hundred dollars per annum, one deputy who shall receive a salary of one thousand three hundred eighty dollars per annum, one deputy who shall receive a salary of one thousand

three hundred twenty dollars per annum, two deputies for not more than four months in each year, who shall each receive a salary of one hundred ten dollars per month, and four additional deputies for not more than one month in each year, who shall receive a salary of one hundred ten dollars per month each.

5. Treasurer, two thousand four hundred dollars per annum; Treasurer. *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer, the sum of not exceeding four hundred dollars per annum, to be expended for the salary of a deputy.

6. Tax collector, two thousand four hundred dollars per annum; one chief deputy for not more than ten months of each year, who shall receive a salary of one hundred twenty-five dollars per month, and six deputies for not more than three months of each year, who shall receive a salary of one hundred dollars per month each. Tax collector.

7. Assessor, two thousand four hundred dollars per annum; Assessor. one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer and roll writer, for not more than eight months in each year, who shall receive a salary of one hundred twelve and fifty hundredths dollars per month; one deputy for writing plat books, for not more than five months in each year, who shall receive a salary of one hundred twenty-five dollars per month; one check deputy for not more than five months in each year, who shall receive a salary of one hundred twenty-five dollars per month; two additional deputies for not more than four months in each year, who shall each receive a salary of one hundred dollars per month; eight field deputies for not more than three months in each year, who shall each receive a salary of one hundred fifty dollars per month; two field deputies for not more than three months in each year, who shall each receive a salary of one hundred twenty-five dollars per month; one field deputy for not more than three months in each year, who shall receive a salary of one hundred seventy-five dollars per month; all of said field deputies shall pay their own expenses. It is hereby provided that in counties of this class, the assessor shall receive no fees or compensation for his collection of taxes on personal property or possessory interests.

8. District attorney, three thousand dollars per annum; one chief deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; one deputy, who shall be designated "criminal investigator" who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand two hundred dollars per annum; it shall be the duty of this stenographer to report and transcribe, without any additional charge, all preliminary hearings required of him by the district attorney. District attorney.

- Coroner. 9. Coroner, such fees as are now, or may be hereafter, allowed by law.
- Public administrator. 10. Public administrator, such fees as are now, or may be hereafter allowed by law.
- Superintendent of schools. 11. Superintendent of schools, two thousand four hundred dollars per annum; two deputies who shall each receive a salary of two thousand dollars per annum, said salaries to include traveling expenses in connection with the visitation of schools; one deputy who shall receive a salary of one thousand two hundred dollars per annum; *provided*, that in counties of this class the superintendent of schools shall receive no compensation for services as a member of the county board of education, or as ex officio secretary thereof.
- Surveyor. 12. Surveyor, one thousand five hundred dollars per annum; which shall be in full for all services required of him by the superior court or board of supervisors, or assessor. It shall be his duty on demand of the assessor, to prepare any and all maps, plats or block books for the use of the county assessor.
- Justices of the peace. 13. Justices of the peace shall receive the following monthly salaries, to be paid each month, in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them: in townships having a population of more than five thousand, one hundred dollars per month; *provided*, that if the county seat shall be situated in a township of this class, one hundred fifty dollars per month; in townships having a population of less than five thousand, and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.
- Constables. 14. Constables shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them: in townships having a population of more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. Constables shall cooperate at all times with the sheriff, and shall perform any and all duties that he may require of them. It is hereby found as a fact, that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.
- Population of townships. 15. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by four the vote cast for governor in each township at the general election next preceding.

16. Each supervisor, one thousand two hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Supervisors.

17. Horticultural commissioner, one thousand eight hundred dollars per annum; *provided*, in counties of this class, said horticultural commissioner may appoint as many inspectors as may be necessary for the performance of his duties, who shall be paid three dollars and fifty cents for each day of eight hours actually engaged in the performance of their duties. Horticultural commissioner.

18. County physician, seventy-five dollars per month. Physician.

19. County health officer, seventy-five dollars per month; *provided*, that in counties of this class there shall be and hereby is allowed the health officer, two deputies, each of whose salaries shall be one hundred fifty dollars per month, said deputies to pay all their own expenses. Health officer.

20. Live stock inspector, who shall be ex officio county veterinarian, one thousand eight hundred dollars per annum, *provided*, that in counties of this class the live stock inspector shall devote his entire time to the performance of the duties of the office; *provided, further*, that in counties of this class the live stock inspector shall be and hereby is allowed three deputies who shall each receive as salaries six hundred dollars per annum. Live stock inspector.

21. County librarian, one thousand six hundred dollars per annum. County librarian.

22. In counties of this class, grand jurors and trial jurors in criminal cases shall receive as compensation for each day's attendance on the grand jury, the superior court or justice court, the sum of three dollars per day, and for each mile actually and necessarily traveled from their residence in attending court or grand jury, in coming only, the sum of fifteen cents per mile; such mileage to be allowed but once during each session said jurors are required to attend. Jurors.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided. Effect of act.

CHAPTER 666.

An act to amend section seventeen of an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the land owners; providing for the joint government and control thereof by the land owners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing that said bonds may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds by the state superintendent of banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended, and to add two new sections to said act to be numbered one a and two a, relating to the formation of such districts and the payment of the costs thereof.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

Organization
of water
districts.

SECTION 1. A new section is hereby added to the act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the land owners; providing for the joint government and control thereof by the land owners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of

the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing that said bonds may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds by the state superintendent of banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended, to be numbered one *a*, and to read as follows:

Sec. 1*a*. All or any part of lands embraced within the boundaries of any irrigation district now or hereafter organized under any law or laws whatsoever of the State of California may be organized into or included in a water district formed under the provisions of this act; *provided*, that eighty per cent of the land within the boundaries of the proposed water district is not under irrigation at the time of the formation of the water district; *provided, further*, that no land within an irrigation district which is also within the boundaries of a water district formed under the provisions hereof shall be released from any of the burdens, obligations, liabilities, or control of or under said irrigation district by virtue of the formation of the water district and shall in every respect continue to be a part of said irrigation district despite the formation of said water district; *provided, further*, that such water district may not issue bonds in excess of such an amount as may be authorized and designated by the irrigation district bond commission created by the act entitled, "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913 or such other state commission, department or agency that may supersede said commission or succeed to its functions.

Sec. 2. A new section is hereby added to said act to be numbered two *a* and to read as follows:

Sec. 2*a*. Immediately upon the formation of the district as provided in section two hereof, the board of directors of the district shall have the power to levy and collect the sum of fifty cents per acre for each and every acre of land within the district and all such moneys thus collected shall be used

Lands
within
irrigation
district.

Tax for
preliminary
expenses.

by the board of directors to pay the preliminary expenses incurred in forming the district.

Stats 1913,
p. 827,
amended.

SEC. 3. Section seventeen of said act is hereby amended to read as follows:

Sale of
bonds.

Sec. 17. The board of directors shall provide ways and means for the sale of said bonds or for the exchange thereof dollar for dollar for bonds of the State of California. Said board shall in no event, except as herein otherwise provided, sell or exchange, as above provided, any of said bonds for less than the par value thereof, plus the accrued interest thereon, nor shall any of said bonds be sold or exchanged nor shall said treasurer deliver any of the same unless the total proceeds thereof, either in gold coin of the United States or bonds of the State of California at their par value, shall be at least eighty-five per centum of the total amount of said bond issue, nor unless said bonds shall first have been approved as provided in section eighteen of this act; *provided, however*, that the board of directors of a district shall have the power to order the bonds of the district to be sold at not less than ninety per cent of the par value thereof, when the board deems it for the best interest of the district to do so. When any of said bonds are sold by the board of directors, the county treasurer of the county in which the district was organized shall transfer the bonds purchased to the purchaser upon receiving the purchase price, and the moneys received therefrom shall be placed to the credit of the district and in a similar manner bonds of the State of California that may be received for bonds of the district shall be placed to the credit thereof to be sold as the board of directors may direct, in no case, however, for less than the par value thereof.

CHAPTER 667.

An act to increase the number of judges of the superior court of the county of Riverside, and to provide for the appointment of an additional judge.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Additional
judge in
Riverside
county.

SECTION 1. The number of judges of the superior court of Riverside county is hereby increased from one to two.

SEC. 2. Within ninety days after the taking effect of this act, the governor shall appoint one additional judge of the superior court of the county of Riverside, State of California, who shall hold office until the first Monday after the first day of January, A. D., one thousand nine hundred twenty-three. At the general election to be held in November, 1922, a judge of the superior court of said county shall be elected in said

county, who shall be the successor of the judge appointed hereunder, to hold office for the term prescribed by the constitution and by law.

SEC. 3. The salary of said additional judge shall be the same in amount, and shall be paid at the same time and in the same manner as the salary of the other judge of the superior court of said county now authorized by law. Salary.

CHAPTER 668.

An act providing for the suppression, eradication and control of tuberculosis among cattle.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The department of agriculture of California may cooperate with the United States department of agriculture in the suppression, eradication and control of tuberculosis among domestic cattle. Control of tuberculosis among cattle.

SEC. 2. The state department of agriculture shall have the power to make tests for the purpose of ascertaining whether or not any domestic cattle are afflicted with tuberculosis. No such tests shall be made, however, except upon request or with the consent of the owner of such cattle. The expenses of such tests shall be borne by the owner unless said owner shall make application to have his entire herd of cattle tested annually or semi-annually, in which case the testing shall be done free of charge under the direction of the department of agriculture of the State of California in cooperation with the department of agriculture of the United States. Tests.

SEC. 3. If, upon making any tests, as provided in this act, it shall appear that any cattle are affected with tuberculosis and that the public interest would best be served by the destruction of such cattle, it shall be the duty of the state department of agriculture to cause the destruction thereof in such a manner as may be deemed most expedient. No such cattle shall be destroyed except with the consent of the owner thereof; *provided*, that nothing herein contained shall be construed to repeal or modify any of the provisions of an act entitled, "An act to prevent the sale of impure and unwholesome milk, butter, ice cream and other milk products; to declare ice cream a milk product; to grade milk; to provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to repeal an act entitled, "An act to prevent the sale of impure and unwholesome milk, to grade milk, to Destruction of infected cattle.

provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to make an appropriation therefor," approved May 22, 1917.

CHAPTER 669.

An act to amend section four hundred seventy-five of the Political Code, relating to clerks, phonographic reporter, service agent and stenographers of the attorney general's office.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred seventy-five of the Political Code is hereby amended to read as follows:

Clerks, etc.,
of attorney
general.

475. The attorney general may appoint two clerks, one phonographic reporter, one service agent, and seven stenographers for his office. The annual salary of each of said clerks, the annual salary of the phonographic reporter, the annual salary of the service agent, and the annual salary of each of said stenographers shall be one thousand eight hundred dollars. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers are paid. The clerks, the phonographic reporter, the service agent and the stenographers shall be civil executive officers. The service agent and two of said stenographers, to be designated by the attorney general, shall be exempt from the provisions of the state civil service act and shall hold their positions during the pleasure of the attorney general.

CHAPTER 670.

An act to amend section four hundred thirty-nine, and to repeal sections four hundred forty and four hundred forty-one of the Political Code, relating to employees in the controller's office.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred thirty-nine of the Political Code is hereby amended to read as follows:

Employees
in
controller's
office.

439. The controller may appoint one deputy controller at an annual salary of four thousand dollars to be paid at the same time and in the same manner as the salaries of other

state officers, and may also appoint and fix the salaries of one bookkeeper, one redemption tax expert, one franchise tax expert, one superintendent franchise tax department, one statistician, one warrant registrar, all of whom shall be civil executive officers, and such other clerical and expert assistants as may be necessary for the proper conduct of his office.

SEC. 2. Section four hundred forty of the Political Code ^{Repealed.} is hereby repealed.

SEC. 3. Section four hundred forty-one of the Political ^{Repealed.} Code is hereby repealed.

CHAPTER 671.

An act to amend section four hundred seventy-two of the Political Code, relating to the duties of the attorney general and the appointment of assistants and deputies in such office.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred seventy-two of the Political Code is hereby amended to read as follows:

472. The attorney general may appoint one assistant, one chief deputy and nine additional deputies, who shall be civil executive officers. The annual salary of the assistant shall be four thousand dollars; the annual salary of the chief deputy shall be four thousand dollars; the annual salary of one of such additional deputies shall be four thousand dollars; the annual salary of four of such additional deputies shall be three thousand six hundred dollars each, and the annual salary of four of such additional deputies shall be three thousand three hundred dollars each. Said salaries shall be paid at the time and in the same manner as the salaries of other state officers. The attorney general shall not employ special counsel in any case except those provided in section four hundred seventy-four of the Political Code. The attorney general shall have charge, as attorney, of all legal matters in which the state is in any wise interested, except the business of the regents of the University of California and of the state harbor commissioners, and such other boards or officers as are now by law authorized to employ attorneys, and no board, officer or officers, or employee of the state, except said regents and said harbor commissioners and such other boards and officers as are now by law authorized to employ attorneys, shall employ any attorney other than the attorney general, or one of his assistants or deputies, in any matter in which the state is interested; nor shall any money be drawn out of the treasury, or out of any moneys appropriated out of the treasury, or out of any special or contingent fund under the control of any board,

Assistants
and deputies
in attorney
general's
office.

Duties of
attorney
general.

officer or officers, or employee for the pay of any legal services rendered after the passage of this act, the provisions of any existing statute to the contrary notwithstanding, excepting as above provided; *provided*, that whenever a district attorney in any county of this state shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the attorney general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state; *provided, further*, that nothing herein contained shall be construed to prevent or deny the right of any board, officer, or officers or employee of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney general.

CHAPTER 672.

An act providing for the appointment of a board to investigate sites for the location of an agricultural school or college in Southern California, and providing for filing of a report by such board.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Board to investigate sites for agricultural college in Southern California.

SECTION 1. A board is hereby created to consist of a member of the college of agriculture of the State of California, the director of the department of agriculture of the State of California, and three agriculturists to be appointed by the governor, which board shall remain in existence until they shall have performed the duties hereinafter provided for, at which time the board shall automatically cease to exist. The members of such board shall receive no compensation for their services as members of said board.

SEC. 2. It shall be the duty of said board to make a thorough investigation of available sites in Southern California upon which may be located an agricultural school or college, and it shall be the duty of such board to file with the governor of the State of California on or before the first day of January, 1923, their recommendations as to such sites, and the type of institution that should be established thereon, together with an estimate of the cost of the land, buildings, and the maintenance of such institution for the first four years of its existence.

SEC. 3. It is hereby made the duty of the state department of agriculture and the state architect to cooperate with said board by furnishing any necessary data or assistance that may be by them required.

CHAPTER 673.

An act to provide one additional judge of the superior court in the county of Fresno.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The number of judges of the superior court of the State of California for the county of Fresno is hereby increased from three to four. Additional judge in Fresno county.

SEC. 2. Within ten days after the taking effect of this act, the governor shall appoint one additional judge of the superior court of the county of Fresno, State of California, who shall hold office until the first Monday of January, A. D. 1923. At the general election to be held in November, 1922, a judge of the superior court of said county shall be elected in said county, who shall be the successor of the judge appointed hereunder, to hold office for the term prescribed by the constitution and by law.

CHAPTER 674.

An act to amend section two thousand three hundred nineteen i and section two thousand three hundred nineteen j of the Political Code, relating to issuance by the director of agriculture of licenses to sell nursery stock.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand three hundred nineteen i of the Political Code is hereby amended to read as follows:

2319i. Any nurseryman, agent, jobber, person, firm or organization operating in the State of California, who ships, sells or handles nursery stock, trees, plants, shrubs, or vines, which are for planting or propagation purposes within the borders of the state, shall first obtain a license from the director of agriculture. Such license shall be good for the fiscal year and shall be issued by the director of agriculture upon receipt of payment of a fee of five dollars to which shall be added the sum of fifty cents for each acre of growing nursery stock after the first acre; such fee not to exceed fifty dollars in any case. The director of agriculture shall issue to each applicant a special license number, and it shall be unlawful to ship or deliver within the State of California any package or other container or shipment of nursery stock, trees, plants, shrubs or vines for planting or propagation purposes within this state, which does not bear License to sell nursery stock.

such special license number in a conspicuous manner and place; *provided, however*, that an agent or agents acting as salesman for a nurseryman, jobber, person, firm or organization shall not be granted a license number but shall be required to use the license number assigned the nurseryman, jobber, person, firm or organization by whom such agent or agents are employed.

SEC. 2. Section two thousand three hundred nineteen *j* of the Political Code is hereby amended to read as follows:

Permit to
make ship-
ment into
state.

2319*j*. Any nurseryman, jobber, person, firm or organization doing business without the State of California who desires to ship nursery stock, trees, plants, vines, or shrubs into this state for planting or propagation purposes from any other state, territory or district of the United States, shall first make application to the director of agriculture for a permit to so do, filing with the application a statement of the location of the nursery, or place of business owned or operated by him or them, and an official certificate of inspection of such premises signed by the state inspector of the state in which said premises are located. Permits herein provided shall be issued by the director of agriculture upon payment of a fee of ten dollars whenever in his judgment such permits may be issued without endangering the horticultural interests of this state; *and provided, further*, that before such permit is finally issued said nurseryman, jobber, person, firm or organization making application shall file an official bond to the State of California in the sum of one thousand dollars (\$1,000), conditioned upon the faithful performance of his or their obligations. Any aggrieved party may sue on said bond. Such permits shall bear a special number, and all shipments thereafter made by any nurseryman, jobber, person, firm or organization into the State of California must contain this number affixed to the package of nursery stock, trees, plants, vines or shrubs shipped by him.

CHAPTER 675.

An act to amend sections four hundred twelve and four hundred thirteen of the Political Code, and to repeal section four hundred fourteen of said code, relating to the salaries of the appointees of the secretary of state.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred twelve of the Political Code is hereby amended to read as follows:

Appointees
of secretary
of state

412. The secretary of state to assist him in the discharge of the duties of his office may appoint the following officers: Two deputies, a bookkeeper, one keeper of the archives, one

statistician, one superintendent and cashier of the corporation license tax department; one registrar; one chief recording clerk; fourteen clerks, one messenger, one porter and one special clerk in each legislative year to serve from January first to May first. All of the above employees with the exception of the porter and messenger and special clerk shall be civil executive officers.

SEC. 2. Section four hundred thirteen of the Political Code is hereby amended to read as follows:

413. The annual salary of one deputy secretary of state ^{Salaries.} is four thousand dollars and of the other deputy is three thousand six hundred dollars; of the bookkeeper, two thousand four hundred dollars; of the keeper of the archives, two thousand dollars; of the superintendent and cashier of the corporation license tax department, two thousand seven hundred dollars; of the chief recording clerk two thousand one hundred dollars; of the registrar, two thousand one hundred dollars; of each of the fourteen clerks, one thousand eight hundred dollars; of the messenger one thousand five hundred dollars; of the porter one thousand two hundred dollars; of the special clerk serving from January first to May first in each legislative year one hundred twenty-five dollars per month.

All such salaries are payable in the same manner and at the same time as other state officers.

SEC. 3. Section four hundred fourteen of the Political ^{Repealed.} Code is hereby repealed.

CHAPTER 676.

An act providing for the collection and importation of parasitic and predacious insects from foreign countries and authorizing the employment of collectors and the payment of their subsistence and traveling expenses.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The director of agriculture is hereby authorized to collect and import into this state from foreign countries parasitic and predacious insects for use in the control of black scale, red scale and other insect enemies of horticultural and agricultural crops, and for this purpose may employ and send abroad expert entomologists who shall be allowed their necessary subsistence and traveling expenses while performing their duties; *provided*, that out of the money appropriated for the department of agriculture for the seventy-third and seventy-fourth fiscal years there shall be used for this purpose a sum of money not in excess of ten thousand dollars. ^{Collection of insects from foreign countries.}

CHAPTER 677.

An act to amend section six of an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats. 1901,
p. 577,
amended.

SECTION 1. Section six of an act entitled, "An act to establish police courts in cities of the second class to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, is hereby amended to read as follows:

Clerks of
police
court.

Sec. 6. Said police court shall have a clerk for each of the judges of said court who shall be appointed by the judge of said court presiding in the department thereof in which said clerk is to act, which said clerk shall hold office for the term of two years from the date of appointment. Each of said clerks shall give a surety bond in the sum of five thousand dollars to be approved by the mayor of said city, conditioned for the faithful discharge of the duties of his said office. Each of said clerks shall receive an annual salary of two thousand two hundred twenty dollars a year, payable in equal monthly installments out of the treasury of said city and shall be the full compensation for all services rendered by him as clerk of the police court and as clerk of the justice court of the said city.

Duties.

Each of the said clerks shall keep a record of the proceedings of, and issue all processes ordered by, the said justices, or either of them, or by said police court, and receive all fines imposed, forfeitures and moneys paid into court and pay the same into the city treasury unless otherwise provided by law. Each of the said clerks shall also render each month to the city council an exact and detailed account, under oath, of all fines imposed and collected, and of all fines imposed and uncollected since their last reports. They shall prepare bonds, justify bail when the amount has been fixed by either of said justices, or by said police court in cases not exceeding one hundred dollars and may administer and certify oaths. Said clerks shall remain at the courtrooms of said court during the business hours and during such reasonable times thereafter as may be necessary for a proper performance of their duties. Before receiving any monthly payment of salary each of said clerks shall make and file with the city auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands belonging to the city. Any violation of this provision shall be a misdemeanor.

CHAPTER 678.

An act making an appropriation for the construction of a suitable memorial commemorating the battle of San Pasqual.

[Approved June 3, 1921. In effect—see section 3.]

The people of the State of California do enact as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of erecting a monument upon that certain state property in the county of San Diego described in the deed of gift from William G. Henshaw and Ed Fletcher, and recorded in the county recorder's office of San Diego county January 21, 1918, in book seven hundred fifty of deeds, at page two hundred fifty-three; the said monument being in commemoration of the actions fought at San Pasqual between the Americans and Mexicans on December 6 and 7, 1846, and in which actions the Americans lost eighteen men killed and thirteen wounded.

Appropriation: memorial commemorating battle of San Pasqual.

The payments of said moneys shall be made to a commission consisting of three members to be appointed by the governor and who shall serve without compensation.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of said commission for the said sum of five thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1921.

CHAPTER 679.

An act appropriating money for the construction and equipment of a power house building at the Veterans' Home at Yountville.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction and equipment of a power house building at the Veterans' Home.

Appropriation: power house, Veterans' Home.

CHAPTER 680.

An act appropriating money for the construction of five cottages for officers and employees at the Folsom State Prison.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
cottages,
Folsom
State
Prison.

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction of five cottages for officers and employees at the Folsom State Prison.

CHAPTER 681.

An act appropriating money to be used toward the construction and equipment of a building for the school of education on the grounds of the University of California at Berkeley.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
school of
education
building,
University of
California.

SECTION 1. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law toward the construction and equipment of a building for the school of education on the grounds of the University of California at Berkeley, and to be expended for that purpose by the regents of the University of California.

CHAPTER 682.

An act appropriating money for the construction and equipment of a physics building on the grounds of the University of California at Berkeley.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
physics
building,
University of
California.

SECTION 1. The sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law, for the construction and equipment of a physics building on the grounds of the University of California at Berkeley, and to be expended for that purpose by the regents of the University of California.

CHAPTER 683.

An act to add a new section to the Political Code to be numbered one thousand five hundred thirty-four, relating to the government of private schools conducted wholly or in part in a language of a foreign nation.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered one thousand five hundred thirty-four is hereby added to the Political Code to read as follows:

1534. *First*—No person shall conduct or teach in a private school, conducted wholly or in part in a language of a foreign nation in this state unless and until he shall have first applied to and obtained a permit so to do from the superintendent of public instruction or deputy appointed by the superintendent for such purposes. This shall also be construed to include persons exercising or performing administrative powers in any such school.

Permit to
conduct
school in
foreign
language.

Second—No permit to teach in a private school, conducted wholly or in part in a language of a foreign nation, shall be granted unless and until the superintendent of public instruction or deputy is satisfied that the applicant for the same is possessed of knowledge of American history and institutions and knows how to read, write and speak the English language; *provided, however*, that the provision concerning knowledge of the English language shall be liberally construed up to the first of July, 1923.

Knowledge
of American
history and
English
language.

Third—Before issuing a permit to conduct or teach in such private school, conducted wholly or in part in a language of a foreign nation, the superintendent of public instruction or authorized deputy shall require the applicant for such permit to file an affidavit pledging himself, after being granted a permit to conduct or teach in such school, to abide by and observe the terms of this law and the regulations and orders of the superintendent of public instruction and will, to the best of his ability, so direct the minds and studies of pupils in said private schools, conducted wholly or in part in a language of a foreign nation, as will tend to make them good and loyal American citizens, and will not instruct or permit said pupils to receive instruction in said school in any way inconsistent therewith.

Affidavit to
abide by
law and
regulations.

Fourth—No private school, conducted wholly or in part in a language of a foreign nation, shall be conducted in the morning before the school hours of the public schools or during the hours while the public schools are in session, nor shall any pupil attend a private school, conducted wholly or in part in a language of a foreign nation, for more than one hour each day nor exceeding six hours in any one week nor

Hours of
school.

exceeding thirty-eight weeks in any school year; and *provided, however,* that any pupil over the age of seventeen years, who is not required to attend the public or high schools, shall be exempt from the provisions of this act.

Approval of
course of
study and
books.

Fifth—The superintendent of public instruction shall have full power from time to time to approve the course of study and the textbook to be used in any private school, conducted wholly or in part in a language of a foreign nation and no other course of instruction or textbooks shall be used in such schools except the ones approved by the said superintendent of public instruction.

Inspection.

Sixth—The superintendent of public instruction or his authorized deputy shall have power to visit and inspect any private school, conducted wholly or in part in a language of a foreign nation, at any time. Should he find through inspection or other information that the teacher or teachers in such schools are not conducting said school in harmony with the agreements provided for in this section, he shall have power to revoke any permit granted to such teacher and to discontinue such school until such time as satisfactory teachers may be secured.

Penalties.

Seventh—Any person who shall conduct or teach in a private school, conducted wholly or in part in a language of a foreign nation, contrary to the provisions of his agreement as specified in this act shall be guilty of a misdemeanor and on conviction thereof punished by a fine not less than twenty-five dollars, which fine shall be paid into the unapportioned county school fund of the county in which the school has been conducted.

Local super-
intendents
as deputies.

Eighth—The superintendent of public instruction shall have power to appoint any county, city or city and county superintendent of schools as his deputy to act in investigating such private schools, conducted wholly or in part in a language of a foreign nation, as are located in this county, city, or city and county, under the jurisdiction of such superintendent and it is hereby made his duty to act without pay in investigating such private schools, conducted wholly or in part in a language of a foreign nation, under the instruction of the superintendent of public instruction.

Fee for
teaching
permit

Ninth—Persons receiving the permits to teach in private schools conducted wholly or in part in a language of a foreign nation, shall pay to the superintendent of public instruction two dollars. Said fee shall be paid into the traveling and contingent fund of the superintendent of public instruction to aid in meeting the expenses of the issuance of such certificates.

CHAPTER 684.

An act to amend section two thousand three hundred twenty-two a of the Political Code, relating to county horticultural commissioners.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand three hundred twenty-two a of the Political Code is hereby amended to read as follows:

2322a. (1) It shall be the duty of the county horticultural commissioner in each county, whenever he shall deem it necessary to cause an inspection to be made of any premises, orchards or nurseries, or trees, plants, vegetables, vines or fruits, or any fruit-packing house, storeroom, salesroom, or any other place or article in his jurisdiction, and if found infected or infested with infectious diseases, scale insects, Argentine ants, or codlin moth, or other insect or animal pests injurious to fruits, plants, vegetables, trees or vines, or with their eggs or larvae, or if there is found growing thereon the Russian thistle or saltwort, Johnson grass or other noxious weeds, or red rice, water grasses or other weeds or grasses detrimental to rice culture, he shall in writing notify the owner or owners, or person or persons in charge, or in possession of the said places or orchards or nurseries, or trees or plants, vegetables, vines, or rice fields, or fields adjacent to rice fields, or canals or ditches used for the purpose of conveying water to rice fields for the irrigation thereof, or fruit, or article as aforesaid, that the same are infected or infested with said diseases, insects, animals or other pests, or any of them or their eggs or larvae, or that the Russian thistle or saltwort, Johnson grass or other noxious weeds, or red rice, water grasses or other weeds or grasses detrimental to rice culture, is growing thereon, and require such person or persons, to eradicate, or destroy or to control to the satisfaction of the county horticultural commissioner the said insects, animals or other pests, or their eggs or larvae, or Russian thistle or saltwort, Johnson grass or other noxious weeds or red rice, or water grasses or other weeds or grasses detrimental to rice culture, within a certain time to be therein specified. Said notices may be served upon the person or persons, or either of them owning or having charge, or having possession such infested place or orchard or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, or premises where the Russian thistle or saltwort, Johnson grass or other noxious weeds or red rice, water grasses, or other weeds or grasses detrimental to rice culture, shall be growing, or upon the agents of either, by any commissioner, or by any person deputed by the said commissioner for that purpose in the same manner as a summons in a civil action.

Duty of county horticultural commissioner.

Notice to destroy pests.

Service of notice.

When pests
are on
public
property.

(2) In case infectious diseases, scale insects, codlin moth, or other insect or animal pests injurious to fruit, plants, vegetables, trees, or vines, or their eggs, or larvae, are found to exist on trees or shrubs in public parks or along streets, highways, or other property subject to the control of a city or county government, or if there is found growing in any public park, street, highway, or on other property subject to the control of a city or county government any Russian thistle, or saltwort, Johnson grass, or other noxious weeds, or red rice, water grasses, or other weeds or grasses detrimental to rice culture, when said public park, street, highway, or other property subject to the control of the city or county government is adjacent to rice fields, or canals or ditches used for the purpose of conveying water to rice fields for the irrigation thereof, then said notice in writing shall be served on the chairman of the governing body of said city or county, and in case the work of eradication, or of control, or of destruction of the said pests, diseases, or noxious weeds in the said public parks, streets, highways, or other public property shall be performed by the county horticultural commissioner, then the cost thereof shall become a city or county charge, as the case may be, and shall be paid from the general fund of said city or county; *provided, however*, that if any such infested or infested articles, property or premises as hereinabove specified belong to any person who is not a resident of the county, and there is no person in control or possession thereof, and such nonresident person has no tenant, bailee, depositary or agent upon whom service can be had; or if the owner or owners of any such articles, property or premises can not after due diligence be found, then such notice may be served by posting the same in some conspicuous place upon such article, property or premises, and by mailing a copy thereof to the owner thereof at his last known place of residence, if the same is known or can be ascertained; or if not known then to the county seat of the county wherein said property is situated.

Places
declared
public
nuisance.

(3) Any and all such places, or orchards, or nurseries, or rice fields or fields adjacent to rice fields, or canals or ditches used for the purpose of conveying water to rice fields for the irrigation thereof, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested or infected, or premises where the Russian thistle or saltwort or Johnson grass or other noxious weeds, or red rice, water grasses, or other weeds or grasses detrimental to rice culture, or where any squirrels, gophers or other predatory animals shall be found, are hereby adjudged and declared to be a public nuisance; and whenever any such nuisance shall exist at any place within this county, and the proper notice thereof shall have been served as herein provided, and such nuisance shall not have been abated within the time specified in such notice, it shall be the duty of the county horticultural commissioner to cause said nuisance to be at once abated, by eradicating, or by controlling, or by destroying said diseases, insects, animals or other pests, or their eggs, or

larvae, or Russian thistle or saltwort, or Johnson grass or other noxious weeds, or red rice, water grasses, or other weeds or grasses detrimental to rice culture.

(4) The expense thereof shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county; any and all sums so paid, together with interest thereon at the rate of seven per cent per annum shall be and become a lien on the property and premises from which said nuisance has been removed or abated in pursuance of this chapter. Notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property and premises are situated within thirty days after the right to the said lien has accrued and a copy of said notice of lien shall be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond, or other incumbrance on said property, at the last known place of residence of said incumbrancer, and if the place of residence of said incumbrancer be unknown to said county horticultural commissioner, then said fact shall be stated in said copy so mailed and it shall be addressed to the county seat of the county wherein said property is situated. Such lien shall take precedence over and be paramount to all mortgages, trust deeds, liens, contracts, options, bonds, or other incumbrances upon the land excepting only the lien of taxes. If said sum secured by such lien be not repaid to said county within eighty days from the filing of said notice of lien then there shall be added to the same and secured by such lien a penalty of fifteen per cent on the amount of said lien. An action to foreclose said lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not, into the court for his use when ascertained.

(5) When any such notice of eradication, or of control, or of destruction is served concerning any property, said county horticultural commissioner may cause a copy thereof to be filed for record in the office of the county recorder of the county within which said property is situated, and shall cause a copy thereof to be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond, or other incumbrance on said property, at the last known place of residence of said incumbrancer, and if the place of residence of said incumbrancer be unknown to said county horticultural commissioner, then said fact shall be stated in said copy so mailed and it shall be addressed to the county seat of the county wherein said property is situated.

Expense of
abating
nuisance.

Copy of
notice
filed.

Summary
abatement.

(6) The county horticultural commissioner is hereby vested with the power to cause any and all such nuisances to be at once abated in a summary manner.

Certificate
to persons
engaging in
business of
eradication.

(7) The county horticultural commissioner shall have power and authority to prescribe and enforce rules for the examination and qualification of any person, persons, firm or corporation, who desires to engage for hire in the business of eradicating or controlling infectious diseases, insect or other animal or weed pests injurious to the plant industry of the state, and to issue certificates to all persons whom he shall find by examination or otherwise to be duly qualified for engaging in such work. Such certificate shall be revocable whenever the county horticultural commissioner shall deem such revocation necessary. No person, persons, firm or corporation shall be permitted to engage for hire in the business of eradicating or controlling infectious diseases, insect or other animal or weed pests injurious to the plant industry of the state, who has not first secured a certificate in the manner herein provided.

CHAPTER 685.

An act to amend section one thousand six hundred sixty-two of the Political Code, relating to elementary schools.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand six hundred sixty-two of the Political Code is hereby amended to read as follows:

Courses of
study.

1662. *First*—The courses of study for the day elementary schools of California shall embrace eight years of instruction; and such courses must allot eight years for instruction in subjects required to be taught in such schools and may allot not more than two years for kindergarten instruction.

Age of
admission.

Second—The day elementary schools of each school district of California shall be open for the admission of all children between six and twenty-one years of age residing within the boundaries of the district, including Indian children whose education may not otherwise have been provided for by the federal government, and may be open for the admission of adults if the governing body of the district deem such admission advisable; *provided*, that where kindergarten instruction is given in the schools of a district, such school shall admit children to the kindergarten classes at four years of age; and the reports for the kindergarten classes shall be kept and shall be made separate from other school reports; *and provided, further*, that wherever a school is established for the instruction of the deaf, such children may be admitted to such school at three years of age; *provided*, that the average daily attendance of deaf children who are six years of age or older shall

be counted as part of the average daily attendance in the day elementary schools.

Third—The governing body of the school district shall have power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Chinese, Japanese or Mongolian parentage. When such separate schools are established, Indian children or children of Chinese, Japanese, or Mongolian parentage must not be admitted into any other school.

Children excluded.

Separate schools.

It is further provided, that in school districts in California where the United States government has established an Indian school, or in an area not to exceed three miles from the said Indian school, the Indian children of the district, or districts, eligible for attendance upon such Indian school, may not be admitted to the district school.

Indian schools.

Fourth—The governing body of any elementary school district shall have power to establish and maintain, in connection with any school under its jurisdiction, special day and evening classes for the purpose of giving instruction in any of the branches of study mentioned in section one thousand six hundred sixty-five of this code. These classes may be convened at such hours and for such length of time during the school day or evening, and at such period and for such length of time during the school year as may be determined by such governing authority; and the enrollment of and attendance upon such classes shall be kept separately and the units of average daily attendance shall be determined as provided in section one thousand eight hundred fifty-eight of this code and shall be added to the attendance of the elementary school district.

Special day and evening classes.

Fifth—The evening elementary schools and the special day and evening classes of the elementary schools of any school district shall be open for the admission of all children over the age of sixteen years, residing in the district and for the admission of adults.

Age of admission

Sixth—The board of education of any city school district, upon recommendation of the city superintendent of schools, or the board of school trustees of any elementary school district, upon recommendation of the county superintendent of schools, may establish and maintain one or more separate classes for pupils who would profit more from a course other than the regular course of study prescribed for the elementary schools, and may substitute for the regular course of study other types of school work or study approved by the superintendent of schools as being better adapted to the mental needs of the pupils enrolled. Pupils enrolled in such classes shall be required to use the state series of textbooks only in so far as such textbooks may be adapted to the work of such classes, but all textbooks and materials required in such classes shall be furnished free.

Classes differing from regular course.

Registration of minors.

Seventh—(a) The first full week in October of each year is hereby designated as official registration week for minors under eighteen years of age and over three years of age; provided, that in case of epidemic, fire, flood, or other public disaster which would make it undesirable or impossible to provide for this registration during such week, the governing board of such district shall designate a week, not later than fifteen days after said school has reopened, as official registration week; and shall post a notice thereof on the school house and otherwise advertise the new date set for such registration. Said registration shall be conducted on every day of said week except Sunday and holidays.

Registrars.

The principal and elementary school teachers of the district shall serve in their respective schools as registrars of minors; and it is hereby made the duty of such principal and teachers to so act. Should there be a vacancy in any regular teaching position in any district, or should any teacher of a district be unable to act on account of illness or other cause that would be sufficient to excuse him from regular school work, some other teacher or some other person or persons appointed by the board shall take his place as registrar.

Blanks

(b) It shall be the duty of the superintendent of public instruction to prescribe registration and such other blanks as are necessary to record information regarding sex, age, nationality of parents, nativity, residence, education, occupation, and such other information as he may deem necessary in providing free educational opportunities under the laws of this state; such blanks to be provided in cities and counties by the boards of education, and in territory outside of cities, by the superintendent of schools of the county.

Duty of parents.

(c) It shall be the duty of every parent, guardian, or other person having control or charge of any minor under the age of eighteen years, and over the age of three years, to cause such minor to be registered each year according to the provisions of law, on the official registration days at a public elementary schoolhouse in the school district in which he resides.

When the place of residence of a minor under eighteen years of age has been changed after the first full week in October, the parents, guardians, or other person or persons having control or charge of such minor shall within ten days after coming into the district, or on the first day of the opening of the school term, cause him to be registered during the regular school hours on a regular school day at a public elementary schoolhouse of the district into which he has moved.

Registration after specified dates.

(d) Any parent, guardian, or other person who for any reason fails to cause any minor under eighteen years of age over which he has control or charge, to be registered on or within the dates specified in this section, may appeal to the governing board of the district for the privilege of registering at once such minor; and, if in the opinion of said board such parent, guardian, or other person shows good and sufficient

cause why he failed to perform such duty, said board may permit him to register such minor.

Should a teacher, a member of a board of education, or an attendance officer know of any minor under eighteen years of age who is not registered as provided by this section, said official is hereby authorized and it is his duty to provide for the registration of such minor.

CHAPTER 686.

An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled, "An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor," approved March 18, 1899, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Upon information received by the director of agriculture, or his duly authorized representative or agent, of the existence of any contagious or infectious disease affecting domestic animals within this state, he shall proceed to thoroughly investigate the same, and he is hereby authorized to establish such quarantine, sanitary, and police regulations as may be necessary to circumscribe and exterminate such diseases and prevent the extension thereof. He is authorized and empowered to enter upon any grounds or premises and inspect any animal necessary to carry out the provisions of this act.

Whenever any county or counties shall enact any ordinance providing for quarantine against any contagious or infectious disease, such quarantine shall be maintained by official veterinarians acting under the direction and authority of the director of agriculture. No county or counties shall enact ordinances inconsistent with the rules and regulations promulgated by the director of agriculture for the purpose of preventing the spread of such contagious and infectious diseases within said county or part thereof.

SEC. 2. Upon the discovery of any case of contagious or infectious disease affecting any domestic animal or animals in the State of California, the director of agriculture shall have the power and it shall be his duty to quarantine such diseased animal or animals, and when necessary other animals which have been in contact with such diseased animal

or animals, upon the land or premises where such animal or animals are located, and thereafter it shall be unlawful for the owner or owners of the animal or animals quarantined, their agents or employees, to break such quarantine or to move or allow to be moved any of such animals from within the premises or across the quarantine line so established without first obtaining a permit from said director of agriculture. If said director of agriculture shall deem it proper to issue a permit after inspection, he shall cause such animals, premises and vehicles of transportation to be properly cleaned and disinfected.

County
quarantine.

SEC. 3. Whenever it shall become necessary to restrict the movements of domestic animals from any county or counties or portion thereof within this state on account of the fact that such animals are liable to transmit an infectious disease to animals not so affected, it shall be the duty of the director of agriculture, by and with the approval of the governor, to quarantine the animals in such county or counties or portion thereof in order to prevent the spread of such disease. The governor shall issue his proclamation, proclaiming the boundaries of such quarantine, and thereafter, while said proclamation is in force and effect, no person, firm, company, or corporation, their agents and servants, shall move or allow to be moved any such animals within the boundaries of said quarantine without the approval, and if such approval is given, without a permit issued by said director of agriculture, after said animals have first been inspected, and if necessary, disinfected by the director of agriculture, or his duly authorized representative.

Quarantine
against
state or
foreign
country.

SEC. 4. Whenever the director of agriculture shall have determined that an infectious disease exists among domestic animals in any other state or territory in the United States of America, or in any foreign country, and the importation of domestic animals from said state, territory or foreign country might spread such disease among domestic animals within the State of California, said director of agriculture shall notify the governor thereof, and the governor, if he deem it expedient, shall issue his proclamation proclaiming the facts as set forth by said director of agriculture, and said proclamation shall prescribe quarantine restrictions against said state, territory or foreign country, which restrictions shall prescribe that under no conditions shall said animals be brought into the State of California from said state, territory or foreign country, or if circumstances shall warrant, said proclamation shall prescribe the conditions under which such animals may be brought into the state.

Veterinarian
to be chief
of division
of animal
industry.

SEC. 5. For the purpose of carrying into effect the provisions of this act, the director of agriculture is hereby authorized to appoint a veterinarian, who at the date of such appointment shall be a graduate in good standing of a recognized college of veterinary medicine, legally qualified to practice as such in the state, and who shall hold the office of chief of

the division of animal industry, as provided in section three of an act creating a department of agriculture, providing for its organization and declaring its functions; transferring to said department the powers and duties of various state agencies and the unexpended balances of their appropriations and funds; prohibiting certain acts, and prescribing penalties for violation of the provisions hereof, and who shall hold office at the pleasure of the director of agriculture.

SEC. 6. Any person failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty dollars or more than five hundred dollars or by imprisonment in the county jail for a period not exceeding six months or both such fine and imprisonment. Penalties.

SEC. 7. An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor, approved March 18, 1899, as amended, and any other acts in conflict herewith are hereby repealed. Repealed.

CHAPTER 687.

An act appropriating money for buildings and equipment for the Industrial Home for the Adult Blind.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of seventy-six thousand three hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for buildings and equipment for the Industrial Home for the Adult Blind. Appropriation: buildings, Industrial Home for the Adult Blind.

CHAPTER 688.

An act to provide for the inspection of foreign cold storage meat sold or offered for sale within the State of California for purposes of human consumption; authorizing the director of agriculture to prescribe rules and regulations for the enforcement of this act and providing penalties for the violation thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. It shall be unlawful for any person, firm, or corporation, to sell, offer for sale, or have in possession for sale, any cold storage meat that has been imported into the State of California from without the United States, with- Inspection of foreign cold storage meat.

out having first obtained a license from the director of agriculture as hereinafter provided, and without having submitted all such meat for inspection and examination at port of entry. The director of agriculture shall cause all such meat to be inspected upon arrival, and shall establish such bacteriological or chemical standards as he shall deem proper to determine the wholesomeness and fitness of such meat for human consumption; any meats found unfit for human consumption shall be marked conspicuously with the words "unfit for human consumption" and the sale thereof for human food is hereby prohibited. All meats inspected and passed for food as provided in this act shall be marked with a tag of such size and design as shall be promulgated by the rules and regulations established by the director of agriculture for the enforcement of this act, and shall bear the words "foreign cold storage meat inspected and passed by the state department of agriculture." Such tag shall not be removed until the meat is cut for retail, and meats so tagged shall at all times be subject to reinspection.

Statement
of sale.

SEC. 2. Wholesalers, dealers, or importers selling, handling, or furnishing cold storage meat imported from without the United States, are hereby required to forward by registered mail to the director of agriculture a certified statement on the first day of July, October, January and April of all sales of such meat made by these respective persons, firms or corporations, during the last preceding three months and in each case shall state the name and address of the purchaser and the amount of each and every sale.

License.

SEC. 3. The director of agriculture, upon application of any person, firm, or corporation, selling, dealing or furnishing foreign cold storage meat, shall issue a license to such applicant providing the application is accompanied by a fee of ten dollars for retailers, and five dollars for hotels, restaurants, lunch rooms, dining cars, or boarding houses, selling, handling, furnishing, or serving such cold storage meat. All such licenses shall expire on June 30 of each year, and may be issued in periods of one year or less than one year, on payment of a proportionate part of the license fee herein mentioned, provided that no license shall be issued for a period of less than three months.

Rules and
regulations.

SEC. 4. For the purpose of enforcing the provisions of this act, the director of agriculture is hereby authorized to make such rules and regulations as he shall deem necessary and prescribe such inspection fees as may be required to defray the actual cost of such inspection and he is hereby given authority to enter upon any premises for the purpose of making such inspections and investigations, or the examining of books, papers, or documents of any person, firm or corporation as shall be deemed necessary to execute the provisions of this act.

SEC. 5. It shall be unlawful for any person, firm or corporation to violate any provisions of this act or any of the rules and regulations authorized herein, and upon conviction of the violation thereof, shall be guilty of a misdemeanor. Penalties.

SEC. 6. If any section, subsection, sentence, clause or phrase of this act if for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

CHAPTER 689.

An act to amend an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911, as amended, by amending section two thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two of an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved Stats. 1917, p. 1033, amended.

March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act." approved April 21, 1911. is hereby amended to read as follows:

Unsanitary
dairies.

Sec. 2. A dairy shall be deemed unsanitary within the meaning of this act, among other causes that render milk, or products made therefrom, unclean, impure, and unhealthy, in the following cases:

(a) If the drinking water is stagnant, polluted with manure, urine, drainage, decaying vegetable or animal matter.

(b) If the yards or enclosures are filthy or unsanitary or if any part of such yards or enclosures, other than pastures, are made the depositories of manure in heaps or otherwise where it is allowed to ferment and decay.

(c) If a suitable milk house or room is not provided and maintained, properly screened to exclude flies and insects, for the purpose of cooling, mixing, canning, and keeping the milk. Said milk house or room, shall not be located in or be a part of any residence, or dwelling house, or any barn or poultry house, and shall not be used for any other purpose whatsoever.

(d) If any milk or cream shall be cooled, stored, mixed, canned, or kept in any room or place which is occupied by any person or persons as a sleeping or living apartment, or occupied by horses, cows, hogs or other animals, or fowls of any kind, and if the milk or cream shall not be cooled to as low a temperature as practicable within one hour after it is drawn from the cows.

(e) If any urinal, privy vault, open cesspool, horse stable, pig pen, stagnant water, accumulation of manure or other filth shall be permitted within one hundred feet of any such milk house or room, or within fifty feet of any cow stalls or stanchions or other place where milking is done.

(f) If the walls become soiled with manure, urine or other filth.

(g) If to the interior of cattle stables, barns, milking sheds, milk house or room, an application of lime whitewash is not made at least once in two years, or oftener if in the judgment of the agent of the state dairy bureau it is needed, or if in the mangers, or other receptacles from which cows are fed, decaying food or other material is allowed to accumulate.

(h) If the pails, cans, bottles or other containers for milk or its products, or the strainers, coolers or other utensils, appliances, apparatus or equipment coming in contact with the milk or its products are not thoroughly washed and afterward sterilized by exposing them to water or water vapor at a temperature above one hundred seventy degrees Fahrenheit for a period of at least fifteen minutes or by boiling water or by superheated steam each and every time the same are used; or if the said containers, utensils, appliances or equipment after sterilization are not adequately protected from flies and dust and all other contamination; or if any of

said containers, utensils, appliances or equipment shall be used for any purpose other than that of handling milk or its products.

(i) If the person or wearing apparel of the dairyman, his employees, or other persons, who come in contact with milk and its products, are soiled or not washed from time to time with reasonable frequency.

CHAPTER 690.

An act to establish standards for the packing, marketing and sale of apples, forbidding the sale of certain infected and diseased apples, providing for the inspection and certification thereof, and for its enforcement, fixing penalties for its violation and repealing an act entitled "The standard apple act of 1917," approved May 7, 1917, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and for any and all ^{Title of act.} purposes may be designated and referred to as "the California standard apple act."

SEC. 2. The following standard grades and standard box ^{Standard grades.} are hereby established for apples. packed, shipped, delivered for shipment, offered for sale or sold, in the State of California.

(a) The "California fancy" grade shall consist of apples ^{"California fancy."} of well grown, properly matured specimens of one variety; hand picked, well colored and normally shaped for the locality where produced, uniform in size, well packed and shall be free from insect pests, diseases, visible rot, visible dry rot, visible Baldwin spot, insect bites, bruises, skin broken at stem and other defects, except such bruises and defects as are necessarily caused in the operation of packing, and virtually free from dirt; *provided, however*, that a variation from the said standard as to insect pests, diseases, dry rot, Baldwin spot, insect bites, bruises and other defects shall be allowed not to exceed ten per cent total of such defects in any one package not to exceed five per cent of any one such defect; *and provided, further*, that a variation in the size of the apples shall be allowed not to exceed three-eighths of one inch when measured through the widest portion of cross-section thereof.

(b) The "B grade" shall consist of apples of well-grown, ^{"B grade."} properly matured specimens of one variety, hand picked, uniform in size, well packed, free from insect pests, diseases, visible rot, visible dry rot, visible Baldwin spot, insect bites, sun scald and frost bite more than skin deep, and bruises

resulting in the breaking of the skin and virtually free from dirt; *provided, however*, that insect bites, which have healed in the process of maturity of the apples and which do not cause serious deformity, slightly misshapen apples, and scab spots on any one apple not larger than one-fourth inch in diameter in the aggregate shall be permitted in this grade; that a variation in size of the apples shall be allowed, not to exceed three-eighths of one inch when measured through widest portion of cross-section thereof, and that a variation from the said standard, as to insect pests, diseases, dry rot, Baldwin spots, bruises and other defects, shall be allowed, not to exceed ten per cent total of such defects in any one package, nor to exceed five per cent of any one such defect.

"C grade."

(c) The "C grade" shall consist of apples of properly matured specimens of one variety, free from insect pests, visible rot, visible dry rot, visible Baldwin spots and diseases; *provided*, that scab spots on any one apple not larger than one-fourth inch in diameter in the aggregate shall be permitted in this grade; *provided, further*, that a variation from said standard as to insect pests, dry rot, Baldwin spots and diseases shall be allowed, not to exceed ten per cent total of such defects in any one package, nor to exceed five per cent of any one such defect.

Standard container.

(d) The standard container shall be a box of the following dimensions, inside measurements, when measured without distention of parts: Depth of end ten and one-half inches; width of end eleven and one-half inches; length of box eighteen inches, and having a cubical content of as nearly as possible two thousand one hundred seventy-three and one-half cubic inches.

Irregular container.

(e) All packed apples, when shipped, offered for sale or sold, shall be placed in the standard box herein described; *provided, however*, that other size containers may be used if conspicuously marked in letters not less than one-half inch high "irregular container."

Statement on container.

SEC. 3. Every packed container of apples shipped, delivered for shipment, offered for sale or sold, in the State of California, shall bear upon the outside thereof, and on the end, in plain words or figures and in the English language, the following: The grade of the apples therein contained, as herein defined; the designation of grade, when the stamps hereinafter provided for are not used, being stated in letters not smaller than thirty-six point type, that is, not less than one-half inch in height; the number of apples contained in the package, or the minimum net weight of the apples contained therein; the variety of the apples contained in the package, unless the variety be unknown to the packer, in which case the variety shall be stated as unknown; the name and business address of the person, firm, company, organization or corporation, who first packed or caused the same to be packed, and if repacked, the name and business address of the person, firm,

company, organization or corporation who repacked the same or caused same to be repacked; the date when such apples were first packed, or if repacked, the date of repacking, and on each container of apples which have been held in cold storage for more than fifteen days after being packed a statement showing the fact that the contents have been held in cold storage; *provided, however*, that a variation of five apples, more or less, than the number stated, shall be allowed.

(a) The term "packed" whenever used in this act, shall mean the regular, compact arrangement of all or a part of the fruit in any container.

(b) The terms "three and one-half tier," "four tier," "four and one-half tier" and "five tier" whenever used as the designation of the size of apples sold or offered for sale, shall have the following meanings, respectively, to wit: Meaning of "tier."

The term "three and one-half tier" shall mean an apple larger in size than three and one-eighth inches when measured through the widest cross-section thereof; the term "four tier" shall mean an apple larger in size than two and five-eighths inches and not larger than three and one-eighth inches, when so measured; the term "four and one-half tier" shall mean an apple not smaller in size than two and one-fourth inches nor larger than two and five-eighths inches, when so measured; the term "five tier" shall mean an apple not smaller in size than one and seven-eighths inches nor larger than two and one-fourth inches, when so measured.

(c) The term "cross-section," whenever used in this act, shall mean the section of an apple taken at a right angle to a straight line drawn from the stem end to the blossom end thereof.

SEC. 4. No person, firm, company, organization or corporation shall sell or offer for sale, within the State of California, any apples labeled, designated, invoiced or represented to be, of "California fancy" or "B" or "C" grade, whether contained in closed packages or otherwise, unless the same shall conform to the standard for such grade herein established. Apples to conform to standard.

SEC. 5. No person, firm, company, organization or corporation shall import into this state or sell, barter, offer for sale or have in his possession for sale any apples infected with any insect pest or the pupæ or larvæ thereof or any disease; *provided, however*, that this section shall not be construed to prevent a grower of fruits so infected in the State of California from selling the same as a part of his crop in bulk, to a packer, or to prevent a grower or packer from manufacturing the same into an apple by-product or from selling the same to any person for the express and sole purpose of such manufacture; *and provided, further*, that the provisions of this section shall be construed to be limited by the variations allowed by the terms of section two of this act. Sale of infected apples.

SEC. 6. No statement, figure, design or device appearing upon any container in which apples are sold, bartered, or offered for sale, or in which apples are packed for sale or Misleading statements.

shipment, or upon the braud or lining of any such container, or upon the wrapper of any apple therein contained, or upon any sign or placard used in connection therewith and having reference to the apples contained, shall be false or misleading, in any particular. The word "fancy" shall not be used with reference to any apples the grade of which does not conform to the standard for "California fancy" as in this act defined.

Powers of
director of
agriculture
in enforce-
ing act.

SEC. 7. The director of agriculture of California shall be charged with the enforcement of the provisions of this act, and for that purpose shall have the power:

(a) To enter and to inspect every place within the State of California where apples are produced, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect such places and all apples and apple containers and equipment found in any such place.

(b) To provide a uniform method of stamping, or otherwise marking or identifying packages of apples which have been inspected by him or his deputies or inspectors; such method when once provided shall not be changed during that fiscal year, but with this exception, may be varied from time to time as he may determine.

(c) In accordance with the provisions of the civil service law of this state, to appoint, superintend, control and discharge such chief inspectors and subordinate inspectors as in his discretion may be deemed to be necessary, for the special purpose of enforcing the terms of this act, to prescribe their duties, and, in conjunction with the board of control, to fix their compensation.

(d) Personally, or through any deputy or any such inspector, to seize and retain possession of, any apples or apple boxes packed, shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act.

(e) In the name of the people of the State of California to cause to be instituted and to prosecute, in the superior court of any county or city and county of the State of California in which apples packed, shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act, may be found, an action or actions for the condemnation of apples as provided in section thirteen of this act.

(f) The director of agriculture at the request of any person interested, personally, or by his duly appointed deputies or inspectors, may inspect any package or lot of apples and at the request of any person interested may issue a certificate stating the fact and the quality and condition of the package or lot of apples so inspected. Such certificate shall be received in evidence in any of the courts of the State of California as prima facie proof of the truth of the statements therein contained. For such inspection certificate, when the apples have theretofore been inspected by him, his deputies or inspectors,

the director of agriculture may charge and collect such fee as he may determine to be reasonable; *provided*, that such fees shall be uniform for each fiscal year.

(g) From time to time to establish, promulgate and enforce such reasonable and uniform rules and regulations not in conflict with any provisions of this act, as he may deem to be proper for the conduct of inspectors, the inspection of fruit, the use of stamps, marks or other designation, the form of and the collection of fees for certificates and the charges to be made hereunder for the use of such stamps, marks or other designation.

SEC. 8. For the privilege of affixing to or using upon any container of apples the stamp, mark or other designation provided by the director of agriculture to identify apples which have been inspected as provided by section seven of this act, there shall be paid to said director not in excess of three-fourths of one cent for each container bearing such stamp, mark or other designation. No such stamp, mark or other designation so provided by the director of agriculture shall be affixed to or used upon any container of apples, the contents of which have not been inspected, or which is not one of a unit of like containers so inspected. All moneys received by the director of agriculture for certificate fees, or for such privileges, shall be paid over to the treasurer of the State of California, who shall deposit the same to the credit of the standard apple fund, which fund is hereby created to be used exclusively for the payment of the expenses of enforcing the provisions of this act, and to be paid out only upon claims approved by the director of agriculture and by the board of control. Subject to the approval of the board of control, one thousand dollars of the standard apple fund may be used as a revolving fund for the purposes of carrying out the provisions of this act.

Fee for affixing stamp.

SEC. 9. The inspectors appointed by the director of agriculture of California, as in section seven hereof provided, shall be citizens of the United States, and of the State of California, not less than twenty-one years of age, shall be skilled in the inspection of apples, and have a thorough knowledge of insect pests and diseases commonly preying upon such fruit; they shall have power to enter and to inspect every place within the State of California where apples are produced, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect all such places and apples and apple containers, found in any such place; and shall perform such other duties as may be prescribed by the director of agriculture of California, or by law.

Qualifications of inspectors.

The said director of agriculture shall assign such inspectors to such territory, within the state, as he may see fit; *provided*, that when for any year the moneys paid in for certificates and for the privilege of using the said stamps or marks, by packers in any town, city or district, shall yield a sum of money sufficient to pay the expense thereof, such

director of agriculture shall assign one inspector or more for special duty in such town, city or district, during the packing season of that year, or for a longer period, if deemed to be necessary.

Duties of
Inspectors.

SEC. 10. Every such inspector shall have power to enter and to inspect any place within this state where any apples are produced, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect such places and all such apples and the containers thereof and the equipment found in any such place. It shall be the duty of the inspectors to enforce the provisions of this act and to cause the prosecution of any person, company, firm, corporation or organization, whom he knows or has reason to believe to be guilty of the violation of any of its provisions. Every inspector, in the performance of his duties, shall have the same powers possessed by peace officers under the laws of the State of California.

Repacking.

SEC. 11. No container to or on which is attached any such stamp or on which shall appear the designation of grade as "California fancy," "B grade" or "C grade" shall be used as the container of any apples, other than those originally packed therein, until such stamp or grade designation has been removed; *provided*, that when apples are repacked, without the addition of new stock, other than stock of the same grade and from the same lot of which the package or packages repacked is or are a part, the same containers may be used without removing the stamps or grade designations.

Right of
inspection.

SEC. 12. No person, firm, company, organization, or corporation, shall refuse to permit the director of agriculture of California, or any of his duly appointed deputies, or any inspector duly appointed by said director of agriculture under the provisions of this act, to enter or to inspect any place within the State of California where apples are produced, packed, shipped, delivered for shipment, offered for sale or sold, or to inspect such places, or any apples or apple containers or any equipment found there.

Penalties.

SEC. 13. Any person, firm, company, organization or corporation, who shall violate any of the provisions of this act shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

Seizure of
apples
illegally
packed.

SEC. 14. Any apples packed, shipped, delivered for shipment, offered for sale or sold in violation of any of the provisions of this act, and the containers in which they may be, shall be deemed to be a public nuisance, may be seized by said director of agriculture, his deputies or any inspector appointed as herein provided, and by order of the superior court of the county, or city and county, within which the same may be found shall be condemned and destroyed, or released upon such conditions as the court, in its discretion, may impose to insure that they will not be packed, shipped,

delivered for shipment, offered for sale or sold in violation of any of the provisions of this act.

Sec. 15. It shall be lawful for any person, firm, corporation or organization and for any common carrier to refuse to accept for shipment or transportation and to refuse to ship or transport any apples which upon inspection are found to be or to be packed in violation of any of the provisions of this act, and any such person, firm, corporation, organization or common carrier may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment and to return to such consignor or to hold at the expense and risk of the latter all apples which upon inspection are found to be or to be packed in violation of any of the provisions of this act.

Common carrier may refuse to accept shipments.

Sec. 16. No person, firm, company, organization or corporation, shall be convicted of a violation of any provision of this act, if he shall establish a guaranty, signed by the person, firm, company, organization, or corporation, residing or lawfully engaged in business in the State of California, by or for whom the apples in question were originally packed, or repacked, to the effect that the apples, container, brand and label in question comply in all respects with the provisions of this act, and in addition, shall establish that the same are in substantially the same condition, in every respect, as they were when they were delivered out of the possession of such packer, and that the accused was not aware that such apples, container, brand or label, were or was in any respect in violation of any provision of this act. The signature to such guaranty may be printed, when done by the authority of the signer. To afford protection, such guaranty, in form and substance, must be substantially as follows:

Guaranty.

“The undersigned guarantees that (this box or other package of apples or the boxes or other packages of apples mentioned in this, or the attached invoice, or all boxes or other packages of apples packed or repacked by the undersigned), comply in all respects with the California standard apple act. (Signature of the packer, with statement as to whether packer is firm, company, organization or corporation and business address.)”

Form.

Where the guaranty is used on each separate box, it may consist of the legend, “guaranteed by the packer, under the California standard apple act,” printed, stamped or written on the labeled or branded end of the package.

Sec. 17. It shall be the duty of the district attorney of the county, or city and county, in which any violation of this act may occur, to prosecute the person, firm, company, organization or corporation accused of such violation, and also, at the request of the director of agriculture, or any one of his deputies, to institute and prosecute such actions for condemnation as may be authorized under the provisions of this act.

Duty of district attorney.

Effect on
foods and
drugs act.

SEC. 18. No act which is made unlawful by any provision of an act of the legislature of the State of California, entitled, "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, or any amendment thereto, shall be deemed lawful by reason of any provision of this act; nor shall this act be construed in any respect to limit the powers of the state board of health.

Constitution-
ality.

SEC. 19. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Stats. 1917,
p 285;
stats 1919,
p. 258,
repealed.

SEC. 20. An act entitled "An act to establish standards for the packing and marketing of apples, forbidding the sale of certain infected and diseased apples, providing for its enforcement, fixing penalties for its violation, and making an appropriation to carry into effect the provisions thereof, and repealing an act entitled 'An act to establish a standard for the packing and marketing of apples, fixing penalties for the violation of its provisions, and providing for its enforcement and making an appropriation to carry into effect the provisions hereof,' approved June 10, 1915," approved May 7, 1917, statutes 1917, page 285, amended statutes 1919, page 258, is hereby repealed.

CHAPTER 691.

An act to provide for the maintenance of schools for the children of migratory laborers in the rural districts of the state and making an appropriation therefor.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Schools for
children of
migratory
laborers.

SECTION 1. It shall be the duty of the superintendent of public instruction to superintend, organize and maintain special classes of elementary grade for the education of children of migratory laborers in the rural districts of this state. Within the limits of the appropriation hereinafter made, he is empowered to employ the necessary teachers, purchase the necessary supplies and incur such additional maintenance charges as may be necessary for the education of such children. Schools or classes organized under the provisions of this act may be held in the public school house of the school district in which such children reside or in such other quarters

as the superintendent of public instruction may deem suitable for the purpose; *provided*, that no public school house shall be used for this purpose without the consent of the governing board of the district. It shall be the duty of the county superintendent of schools and of school boards to cooperate with the superintendent of public instruction in carrying out the provisions of this act.

SEC. 2. The sum of ten thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purpose of carrying out the provisions of this act.

Appropriation.

CHAPTER 692.

An act to amend section sixty-seven a of the Code of Civil Procedure, relating to the superior court of Los Angeles county.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

67a. In counties of the first class there shall be twenty-three judges of the superior court, any one or more of whom may hold court, and there may be as many sessions of said court at the same time as there are judges thereof. The said judges shall choose from their own number, a presiding judge, who may at any time be removed as presiding judge and another judge chosen in his place by a vote of any twelve of them. The presiding judge shall distribute the business of the court among the judges thereof, and prescribe the order of business and perform such other duties as the judges of the said court may by rule provide. The judgments, orders, and proceedings of any session of the superior court held by any one or more of the judges of the said court shall be equally as effective as if all the said judges of said court presided at such session. Within thirty days after this act goes into effect, the governor shall appoint three additional judges of the superior court in counties of the first class, in addition to the twenty superior court judges already provided by law in and for the said counties of the first class, who shall hold office until the first Monday after the first day of January 1923. At the next general election to be held in November, A. D. 1922 three additional judges of the superior court shall be elected in counties of the first class who shall be successors of the judges appointed hereunder, to hold office for the term prescribed by the constitution and by law. The salaries of the other judges shall be the same in amount and be paid in the same manner and at the same time as the salaries of the other judges of the said counties of the first class now authorized by law.

Superior court of Los Angeles county.

CHAPTER 693.

An act to provide for the inspection, classification, regulation and licensing of warehouses and other enclosures where agricultural products are stored, providing penalties for violations hereof, and making an appropriation therefor.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Title. SECTION 1. This act shall be known by the short title of "California warehouse act."

Definitions. SEC. 2. The term "warehouse" as used in this act shall be deemed to mean every elevator, building, structure, or other protected inclosure within the State of California in which any agricultural product is or may be stored. The term "agricultural product" wherever used in this act shall be deemed to mean cotton, wool, hay, fertilizer, grain products, grains, tobacco, rice, beans and flaxseed, or any of them. As used in this act, "person" includes a corporation, municipality, partnership, or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt. As used in this act "director of agriculture" means the director of the state department of agriculture.

Powers of director of agriculture. SEC. 3. The director of agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products; to classify warehouses licensed or applying for a license in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act; and to prescribe, within the limitations of this act, the duties of the warehousemen conducting warehouses licensed under this act with respect to their care of and responsibility for agricultural products stored therein.

License to conduct warehouse. SEC. 4. The director of agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder; *provided*, that each such warehouse be found suitable for the proper storage of the particular agricultural product

or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

SEC. 5. Each license issued under sections four and nine ^{Term.} of this act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the director of agriculture may from time to time be renewed or extended by a written instrument, which shall specify the date of its termination.

SEC. 6. Each warehouseman applying for a license to con- ^{Bond of warehouse-} duct a warehouse in accordance with this act shall, as a condi- ^{man.} tion to the granting thereof, execute and file with the director of agriculture a good and sufficient bond to the State of California to secure the faithful performance of his obligations as a warehouseman under the laws of the State of California, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State of California, and shall contain such terms and conditions as the director of agriculture may prescribe to carry out the purposes of this act. Whenever the director of agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

SEC. 7. Any person injured by the breach of any obliga- ^{Suit on} tion to secure which a bond is given, under the provisions of ^{bond.} sections six or nine, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

SEC. 8. Upon the filing with and approval by the director ^{Bonded} of agriculture of a bond, in compliance with this act, for the ^{warehouse.} conduct of a warehouse, such warehouse shall be designated as California bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section six has been filed with and approved by the director of agriculture, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked.

SEC. 9. The director of agriculture may, under such rules ^{License to} and regulations as he shall prescribe, issue a license to any ^{person not} person not a warehouseman to accept the custody of agricul- ^{a ware-} ^{houseman.}

tural products and to store the same in a warehouse or warehouses owned, operated, or leased by the State of California, or any municipality, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act, and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act and such rules and regulations to the same extent as is provided for warehousemen licensed hereunder.

Fees.

SEC. 10. The director of agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding two dollars per annum for each license or renewal thereof issued to a warehouseman under this act. All such fees shall be deposited and covered into the treasury of the State of California and shall be credited to the standardization fund subject to the uses of the director of agriculture for the carrying out of the provisions of this act.

License to classify and certify products.

SEC. 11. The director of agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to grade or otherwise and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

Suspension and revocation of license.

SEC. 12. Any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the director of agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the director of agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

No discrimination.

SEC. 13. Every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual man-

ner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

SEC. 14. Any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder. Storage
subject
to act.

SEC. 15. Grain, flaxseed, or any other fungible agricultural product stored for state, in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act. Inspection
of grain,
etc.

SEC. 16. Every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades. Depositors'
products
kept
separately.

SEC. 17. For all agricultural products stored for state, interstate or foreign commerce, in a warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof. Receipts.

SEC. 18. Every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made; *provided*, that such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated. Contents
of receipts.

under authority of law; *provided, further*, that until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the director of agriculture; (*h*) a statement that the receipt is issued subject to the California warehouse act and the rules and regulations prescribed thereunder; (*i*) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (*j*) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien; *provided*, that if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (*k*) such other terms and conditions within the limitations of this act as may be required by the director of agriculture; and (*l*) the signature of the warehouseman, which may be made by his authorized agent; *provided*, that unless otherwise required by law, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (*g*) of this section may be issued.

Establish-
ment of
standards.

SEC. 19. The director of agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined; *provided*, that federal standards for grain established under authority of the United States grain standards act shall be considered as the official standards for California under the provisions of this act.

New
receipts.

SEC. 20. While an original receipt issued under this act is outstanding and uncancelled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the State of California applicable thereto in places under the exclusive jurisdiction of the State of California.

Delivery
of stored
products.

SEC. 21. A warehouseman conducting a warehouse licensed under this act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (*a*) an offer to satisfy the warehouseman's lien; (*b*) an offer to surrender the receipt, if negotiable, with such endorsements as would be

necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

SEC. 22. A warehouseman conducting a warehouse licensed under this act shall plainly cancel upon the face thereof each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued. Cancellation of receipt.

SEC. 23. Every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the director of agriculture concerning such warehouse and the condition, contents, operations, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this act and the rules and regulations made hereunder. Records of warehouseman.

SEC. 24. The director of agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the director may publish his findings. Examinations of stored products.

SEC. 25. The director of agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the director of agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. Revocation of license.

SEC. 26. The director of agriculture from time to time may publish the results of any investigations made under section three of this act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act and lists of all licenses terminated under this act and the causes therefor. Publication of results of investigation.

SEC. 27. The director of agriculture is authorized through officials, employees, or agents of the state department of agriculture designated by him to examine all books, records, papers, and accounts of warehouses licensed under this act and of the warehousemen conducting such warehouses relating thereto. Examination of books.

SEC. 28. The director of agriculture shall from time to time make such rules and regulations as he may deem Rules and regulations.

necessary for the efficient execution of the provisions of this act.

Penalties.

SEC. 29. Every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the director of agriculture under this act, or who shall violate or fail to comply with any provision of section eight of this act, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a felony.

Appropriation.

SEC. 30. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the director of agriculture may deem necessary, it being understood that when a fund of twenty-five thousand dollars shall be accumulated the appropriation shall be returned to the State of California, provided the fund shall not at any time be so reduced as to impair the working of this act, and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the State of California, for temporary assistance in carrying out the purposes of this act, and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

Constitutionality.

SEC. 31. If any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

CHAPTER 694.

An act to amend section two of an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act," approved March 20, 1913, and acts amendatory thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats 1911,
p. 488,
amended.

SECTION 1. Section two of an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act," approved March 20, 1913, and acts amendatory thereof, is hereby amended to read as follows:

Sec. 2. No person shall sell, offer or expose for sale in this state any pulverized leather, hair, ground hoofs, horns or wool waste, raw, steamed, roasted, or in any form, street sweepings, or the dung or urine of any domestic animal, mixed with, or in combination with, water artificially added thereto, or with any sand, soil or other material not commonly used for bedding domestic animals, as a fertilizer or as an ingredient for fertilizer or manure without an explicit statement of the fact in printing or writing conspicuously placed thereon and affixed to every package, container, car or vehicle in which the same shall be transported or delivered to any purchaser thereof, said statement to go with every lot, parcel or package of the same: that a fine of fifty dollars for the first offense and one hundred dollars for each subsequent offense be imposed for violation of this section.

Fertilizer
to be
labeled.

CHAPTER 695.

An act appropriating money to complete the payment on the purchase of land and water rights for the Riverside farm school by the University of California.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred twenty-nine thousand one hundred sixty-five dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the board of regents of the University of California to complete the payment on the purchase of land and water rights for the Riverside farm school by the University of California, during the seventy-third and seventy-fourth fiscal years, in accordance with an act of the legislature entitled "An act to establish a university farm in Riverside county and making an appropriation to carry out the purposes hereof," approved May 27, 1919.

Appropriation:
land,
Riverside
farm school,
University of
California.

CHAPTER 696.

An act providing for the pasteurization of skim milk, whey, buttermilk, or other milk by-products used for feeding purposes for farm animals, and providing a penalty for the violation hereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Pasteuriza-
tion of
skim milk,
etc.

SECTION 1. Every person, firm, copartnership, or corporation, owning, operating, or managing a cheese factory, creamery, skimming station, or other place where milk is received and by-products distributed, shall, before returning to or delivering to any person or persons any skim milk, whey, buttermilk, or other milk by-products to be used for feeding purposes for farm animals, cause such skim milk, whey, buttermilk, or other milk by-products to be thoroughly pasteurized by heating the same to one hundred forty-five degrees Fahrenheit, and holding at that temperature for not less than thirty minutes or to one hundred eighty-five degrees without holding.

Sanitary
containers.

SEC. 2. It shall be unlawful for any person, firm, copartnership, or corporation referred to in section one of this act to maintain vats, tanks, or other containers used for storing or holding milk, or similar by-products, in an unclean or unsanitary condition.

Penalties.

SEC. 3. Any person, firm, copartnership, or corporation violating any of the provisions of this act is guilty of a misdemeanor, and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment.

CHAPTER 697.

An act to provide for the inspection and certification of foreign eggs, foreign powdered eggs, and foreign egg products imported into the State of California for purposes of human consumption; to prescribe certain powers and duties of the state board of health with respect thereto, and to provide penalties for violations of the provisions of this act.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Inspection
of foreign
eggs.

SECTION 1. All eggs, powdered eggs and egg products, imported into the State of California from foreign countries shall be sold subject to inspection as hereinafter provided.

SEC. 2. No person, firm or corporation shall sell or offer for sale for human consumption in the State of California any eggs, powdered eggs or egg products imported into the State of California from foreign countries until after the same shall have been first inspected by the state board of health, found to be fit for human consumption and a permit authorizing such sale by the state board of health issued. The state board of health shall cause an inspection of all such eggs, powdered eggs or egg products to be made and if the same are found, upon such inspection, to be in fit condition for human consumption, the board shall issue to the importer or consignee a permit authorizing the sale thereof for such purpose, together with certificates of inspection equal in number to the number of the containers in which said eggs, powdered eggs or egg products are packed or otherwise contained. Such certificates of inspection shall be in such form as the board may deem appropriate and shall have printed upon a white background in plain black letters, not less than one inch high, "foreign eggs," or, as the case may be, "foreign powdered eggs," or "foreign egg products," "inspected" (inserting the date) "by California state board of health." Such certificates shall be printed upon gummed, adhesive labels, and it shall be the duty of the importer or consignee to affix or cause to be affixed one such certificate to each of such containers in such manner that the inspection certificate shall be plainly visible to the buyer. All such foreign eggs, foreign powdered eggs, and foreign egg products shall be sold only from the original containers. No certificate of inspection shall be removed from the container or defaced, and no container upon which such inspection certificate has been affixed shall be used as a receptacle for any foreign eggs, foreign powdered eggs or foreign egg products which have not been so inspected and pronounced fit for human consumption by the state board of health.

SEC. 3. The state board of health may make rules and regulations to secure a proper enforcement of the provisions of this act, including rules and regulations with respect to the inspection of the eggs, powdered eggs and egg products mentioned herein and the labeling thereof, and the violation of such rules shall be punished on conviction as provided in section four of this act.

SEC. 4. Any person, firm or corporation violating any of the provisions of this act or any rules and regulations made pursuant to the provisions of this act by the state board of health shall, upon conviction, be punished for the first offense by a fine not exceeding five hundred dollars (\$500), and for the second offense by a fine not exceeding one thousand dollars (\$1,000), or by an imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed.

Constitutionality.

SEC. 6. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 698.

An act to provide for the appointment of a commission to investigate the plan of operation and organization of agricultural colleges in the United States, and to recommend a plan for the reorganization of agricultural instruction in the State of California, and making an appropriation therefor.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Commission to investigate agricultural colleges.

SECTION 1. The governor of this state is hereby authorized and empowered to appoint a commission of seven persons, which commission is hereby charged with the investigation of the entire problem of agricultural instruction and investigation. Said commission shall investigate the plan of operation and organization of the leading agricultural colleges of the United States, and report to the governor before the convening of the forty-fifth session of the legislature their recommendations upon the reorganization of the agricultural instruction as given in the University of California.

Appropriation.

SEC. 2. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of carrying on the work of said commission as provided for in this act; said money shall be expended and used for the purpose of paying the necessary expenses of the members of said commission while engaged in the performance of their duties, and for all necessary clerical, printing and other expenses connected with the work of carrying out the provisions of this act. The claims of each shall be audited and approved by the board of control in the manner provided by law, and when so approved the state controller is authorized to draw his warrant therefor, and the treasurer is directed to pay the same.

CHAPTER 699.

An act making an appropriation for the purpose of building a children's recreational, physical, mental and industrial training hall on the state prison grounds at San Quentin.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of building a children's recreational, physical, mental and industrial training hall and equipping it with the necessary furniture and apparatus on the grounds of the state prison at San Quentin.

Appropriation:
children's
hall, San
Quentin
prison.

CHAPTER 700.

An act to add a new section to the Penal Code, to be numbered one hundred sixty-four, relating to the practice of law by persons not licensed to practice law; to the furnishing of legal advice, services and counsel, and advertising in connection therewith; providing a penalty for violation of the provisions of this act, and making certain exemptions from the operation thereof.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered one hundred sixty-four and to read as follows:

164. It shall be unlawful for any person not licensed as an attorney and counselor to practice law; or to appear as an attorney at law for any person other than himself in or before any court or other judicial body in this state; or to make it a business or a practice to render or furnish legal advice or services; or in any manner to assume to be entitled to practice law, or to assume, use, or advertise the title of lawyer, attorney at law, counselor or counselor at law, or similar terms, in any language, in such manner as to convey the impression that he is entitled to practice law, draw wills, or furnish other legal advice or services; or to advertise that, either alone or together with, or by, or through any person, whether a duly and regularly admitted attorney at law or not, he has, owns, conducts or maintains a law office or an office for practice of law, or that he will furnish legal advice or services.

Unlawful
practice
of law.

It shall be unlawful for any person, whether a licensed attorney and counselor or not, to assist any person in the performance of such prohibited acts.

Exceptions.

This section shall not prevent any person from preparing ordinary business agreements and conveyances and giving advice incidental to the preparation thereof; nor from examining, certifying, guaranteeing or insuring titles to property, real or personal, or an interest therein, or a lien or incumbrance thereon; nor from acting as escrow holder; nor from furnishing information and advice relative to any such title or escrow; nor from preparing any document necessary or essential for use in connection either with such escrow or title employment; nor from employing an attorney and counselor in and about his own immediate affairs or in any litigation to which he is or may be a party; nor shall it apply to organizations organized solely for benevolent or charitable purposes, or for the purpose of assisting persons without means in the pursuit of any civil remedy; nor shall it apply to associations or corporations organized upon a nonprofit basis when dealing with the affairs of their members or of embarrassed or insolvent debtors; nor shall it apply to actions or proceedings in justice's or police courts. Nothing in this act shall be held to prohibit any person from performing any act authorized by an existing state or federal statute.

Nothing herein contained shall be construed to prevent any person from furnishing to an attorney and counselor information or clerical services in and about his professional work; *provided*, that at all times the attorney and counselor receiving such information or such services shall maintain full professional and direct responsibility to his clients for the information and services so received.

The word "person" in this section includes natural persons, copartnerships, any member of which is not licensed as an attorney and counselor, corporations and voluntary associations.

Penalties.

Any person violating any provision hereof is guilty of a misdemeanor and, on conviction thereof, shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not less than one hundred (\$100) dollars and not more than five thousand (\$5000) dollars, or by both such fine and imprisonment.

CHAPTER 701.

An act regulating the sanitary conditions of bakeries, prescribing conditions connected with the manufacture and sale of bakery products and fixing penalties for violation of the provisions thereof.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Any building, or portion of any building, occupied or used as a bakery, wherein is carried on the business of the production, preparation, storage or display of bread, cakes, pies and other baking products intended for sale for human consumption, shall be clean, properly lighted, drained and ventilated. Every such bakery shall be provided with adequate plumbing and drainage facilities including suitable wash sinks, toilets and water closets. All toilets and water closets shall be separate and apart from the rooms in which the bakery products are produced or handled. All wash sinks, toilets and water closets shall be kept in a clean and sanitary condition and shall be in well lighted and ventilated rooms. The floors, walls and ceilings of the rooms in which the dough is mixed and handled or the pastry prepared for baking or stored, shall be kept and maintained in a clean, wholesome and sanitary condition. All openings into such rooms, including windows and doors, shall be properly screened or otherwise protected to exclude flies. No working rooms shall be used for purposes other than those directly connected with the preparing, baking, storage and handling of food, and shall not be used as washing, sleeping, or living rooms. Rooms shall be provided for the changing and hanging of wearing apparel apart and separate from such work rooms, and such rooms, as so provided for the changing and hanging of wearing apparel, shall be kept clean at all times.

SEC. 2. The California state board of health shall make all necessary rules for carrying into effect the foregoing section and for the enforcement of the provisions thereof. If after inspection, such board shall find that any bakery is being operated in violation of the provisions hereof, notice in writing shall be given to the proprietor wherein shall be stated the particulars in which such bakery is not being properly conducted, and fixing a reasonable time, not less than thirty days, in which such conditions shall be remedied. If the requirements of such notice shall not be complied with, said board shall order such bakery closed and it is hereby empowered to take all necessary steps to enforce such order; *provided*, that if any person, firm or corporation shall feel aggrieved by any order of said board, it shall have the right to appeal to the superior court of the county in which is located said bakery; *provided, further*, that on the taking of said appeal the owner

Sanitary
conditions
of bakeries.

Enforcement
by state
board of
health.

or operator of said bakery shall furnish bond to the approval of the board; *and, provided further*, that said appeal shall be taken within a period of thirty (30) days from the order of said board.

Cleanliness
of
employees.

SEC. 3. No employee or other person shall sit or lie upon any of the tables, benches, troughs, shelves, et cetera, which are intended for the dough or bakery products. No animals or fowls shall be kept or allowed in any bakery or other place where bread or other bakery products are produced or stored. Before beginning the work of preparing, mixing and handling the ingredients used in baking, every person engaged in the preparation or handling of bakery products shall wash the hands and arms thoroughly and rinse in clean water; and for this purpose sufficient wash basins and soap and clean towels shall be provided. Every person engaged in such work shall wash the hands and arms after using toilet rooms or water closets. Employees or other persons affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis or consumption, bubonic plague, asiatic cholera, leprosy, typhoid fever, epidemic dysentery, measles, mumps, whooping cough, chickenpox, or any other cutaneous or infectious disease, shall not work or be permitted to work in any such bakeries or be permitted to handle any of the products therein or delivered therefrom. Any person engaged in any of the work above mentioned, who knowingly is infected with any of the diseases specified in this section, or any employer, who knowingly employs such person shall be deemed guilty of violating the provisions of this act and shall be subject to the penalties provided for violation thereof. The state board of health shall make all necessary rules for carrying into effect the foregoing section.

Water
supply.

SEC. 4. All water for mixing the dough or used in the mixing of any other bakery products shall be pure and wholesome. In case the water supply is taken from a well, the baker shall have a certificate of the purity of said water supply from the state board of health, or from any city or county health board within the State of California. Bakers shall not use the water from wells, the water of which is not so certified to be pure and wholesome.

Wagons,
baskets,
etc.

SEC. 5. The wagons, boxes, baskets and other receptacles in which bread, cake, pies or other bakery products are transported, shall be kept in a clean and wholesome condition at all times and free from dust, flies and other contamination. All show cases, shelves, or other places where bakery products are sold, shall be kept well covered, properly ventilated, well protected from dust and flies, and shall be kept in a sweet, clean and wholesome condition at all times. Boxes or other receptacles for the storing or receiving of bread and other bakery products, before and after the retail stores and selling places are open, shall be so constructed and placed as to be free from the contamination of streets, alleys and sidewalks, and shall be raised at least four inches from the sidewalk or street and

shall be kept clean and sanitary, and no bread shall be placed in any such box along with any other articles of food other than bakery products.

SEC. 6. All materials used in the production or preparation of bakery products shall be stored, handled and kept in a way to protect them from spoiling and contamination, and no material shall be used which is spoiled or contaminated, or which may render the bread or other bakery products unwholesome or unfit for food. The ingredients used in the production of bread and other bakery products and the sale or offering for sale of bread and bakery products shall comply with the provisions of the California laws against adulteration and misbranding. No ingredients shall be used which may render the bread or other bakery products injurious to health. No ingredients shall be used which may deceive the consumer or which lessens the nutritive value of the bakery product without being plainly labeled, branded or tagged or having a sign making such facts plain to the purchaser or consumer under rules to be prescribed by the state board of health; *provided, however*, that in case of bread to be sold by the loaf such labeling shall be, in the case of unwrapped bread, placed upon the same sticker as hereinafter provided to show the name of the manufacturer.

SEC. 7. All handling or sale of bread or other bakery products and all practices connected therewith shall be conducted at all times so as to prevent the distribution of contamination or disease among consumers, so as to prevent the distribution of the infection in bread commonly known as "rope" or other bakery infections, and so as to protect the food supply against waste. No bread or other bakery products except as hereinafter provided shall be returned from any consumer or other purchaser to the dealer or baker nor from any dealer to the baker, and no baker or dealer shall directly or indirectly accept any returns or make any exchange of bread or other bakery products from any dealer, restaurant or hotelkeeper, consumer or any other person and all bread and all other bakery product shall be kept moving to the consumer in as direct a line as may be practicable and without unreasonable delay and without any exchange, return or practice whatsoever which may disseminate contamination, disease or fraud among consumers or infection among bakeries, or which may cause waste in the food supply. The state board of health shall make such reasonable rules as may be necessary for carrying into effect the foregoing provisions of this section; *provided*, that this section shall not be construed to apply to crackers or to such other bakery products as are packed at the place of production in cartons, cans, boxes or similar permanent containers and where the product is so packed or sealed at the place of production as to fully protect the freshness and wholesomeness of the product and to protect it from contamination, adulteration, deterioration and fraud in the channels of trade and which remains in the original

Purity of ingredients.

Labels.

Handling and sale.

Return of products.

unbroken package in which such bakery product has been packed, except in so far as may be necessary to prevent waste in the food supply; *provided, further*, that the state board of health may by rules establish such exemptions as may be necessary to facilitate the sale of any accumulated or unsold stocks of wholesome bread or other bakery products, but any such exemptions or sales shall not be in violation of the expressed purposes of this section; *provided, further*, that the phrase "permanent containers" shall not be construed to include the paper or parchment wrappers as used in wrapping loaves of bread.

Label indicating manufacturer.

SEC. 8. Every loaf of bread made or procured for the purpose of sale, sold or offered for sale except when sold directly from the manufacturer to the consumer, shall have affixed thereon in a conspicuous place a label indicating the manufacturer, or bearing the registered trade mark or trade label of such manufacturer. In case of wrapped bread, such information shall be stated in a plain position upon the wrapper of each loaf, and in the case of unwrapped bread shall be stated upon a label no larger than one by one and one-half inches in size and not smaller than one inch by three-quarters of an inch, and such label affixed to an unwrapped loaf shall not be affixed in any manner or with any gums or pastes which are unsanitary or unwholesome.

Penalties.

SEC. 9. Any person, firm or corporation who shall violate any of the provisions of this act shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars, and each day's continuance of any practice, act or condition prohibited herein shall constitute a separate offense within the meaning of this act.

Power of local authorities limited.

SEC. 10. Except as in this act provided, no city or town or any board or officer thereof shall have power to enact or make any ordinance, law, resolution, rule or order, affecting the matters covered by this act.

Validity of act.

SEC. 11. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered.

Repealed.

SEC. 12. All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 702.

An act to amend section seven of an act entitled "An act to provide for the organization and supervision of courses in physical education in the elementary, secondary and normal schools of the state and appropriating ten thousand dollars therefor," approved May 26, 1917.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section seven of an act entitled "An act to provide for the organization and supervision of courses in physical education in the elementary, secondary and normal schools of the state and appropriating ten thousand dollars therefor," approved May 26, 1917, is hereby amended so as to read as follows: Stats. 1917, p. 1178, amended.

Sec. 7. The supervisor of physical education appointed under the provisions of this act, shall be experienced in the supervision of physical education in public schools. He shall not be subject to the provisions of any civil service law of the state. He shall exercise general supervision over the courses of physical education in elementary and secondary schools of the state; shall exercise general control over all athletic activities of the public schools; shall advise school officials, school boards and teachers in matters of physical education; shall visit and investigate the work in physical education in the public schools and shall perform such other duties as may be assigned to him by the state board of education. The state board of education shall have power to employ the necessary expert and clerical assistants in addition to the state supervisor of physical education in order to carry out the provisions of this act, and to fix the compensation of the state supervisor of physical education and all other employees, and to pay the actual and necessary traveling expenses of the state supervisor of physical education and expert assistants while on official business; *provided*, that the salary of the supervisor of physical education fixed under the provisions of this act shall be subject to approval by the state board of control. Supervisor of physical education. Salary.

CHAPTER 703.

An act making appropriation for the purchase of a building site and the erection of a building for the state printing office.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

Appropriation:
site and
building
for state
printing
office.

SECTION 1. The sum of seventy-five thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of a building site in the city of Sacramento and erection thereon of a building to house the state printing office.

SEC. 2. The selection of the site provided for in section one of this act, together with the purchase price therefor, shall be determined by the state printer by and with the written approval of the governor. The title to said property shall be taken in the name of the State of California and no payment therefor shall be made until such title has been passed upon and approved by the attorney general.

CHAPTER 704.

An act establishing and standardizing the weight of loaves of bread and regulating the sale thereof.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

Standard
weights for
bread.

SECTION 1. All loaves of bread made or procured for the purpose of sale, sold, offered or exposed for sale in the State of California shall weigh, six hours after baking, not less than sixteen ounces avoirdupois, except as hereinafter provided, and such weight shall be the standard weight of a small loaf in the State of California. Bread may also be made or procured for sale, sold or offered or exposed for sale in twenty-four ounce loaves, which shall be known as a standard large loaf; also, in multiples of the standards fixed for the small and large loaves and no other. Commercial tolerances in excess are hereby fixed for small loaves of one ounce and for large loaves of two ounces, and there shall be no tolerance below or in deficiency of the fixed standard weight. Bread commonly known as "twin loaves" or multiple loaves may be made or procured for the purpose of sale, sold, offered or exposed for sale, providing each unit of such "twin" or multiple loaf conforms to the standard weights as herein fixed. The com-

Twin
loaves.

mercial tolerance fixed for small loaf shall apply to each unit of the "twin" or multiple loaf.

SEC. 2. Any person, firm or corporation who shall make or procure for the purpose of sale, sell, offer or expose for sale within the State of California any bread in loaves otherwise than herein provided for or in conflict with the standard weights of bread when baked as herein fixed, shall be guilty of a misdemeanor. All inspection of the weight of bread shall be made on the premises of the maker or manufacturer by averaging the weight of not less than twenty loaves of bread of any one unit and such average weight per loaf shall not be less than the minimum or more than the maximum weight herein fixed for such units. Penalties.

SEC. 3. The provisions of this act shall not apply to crackers, pretzels, biscuits, buns, scones, rolls or loaves of fancy bread weighing less than one-fourth of a pound avoirdupois or to what is commonly known as "stale bread," sold as such, provided the seller shall, at the time of sale, expressly state to the buyer that the bread so sold is stale bread. Exceptions.

SEC. 4. The enforcement of the provisions of this act shall be under the supervision of the state superintendent of weights and measures. Enforcement.

SEC. 5. All acts or parts of acts in conflict herewith are hereby repealed. Repealed.

CHAPTER 705.

An act to enable the state board of forestry to accept deeds and conveyances of land in the name of the people of the State of California, for park purposes, to manage and control the same, to consent to conditions attached to the grant thereof, prescribe regulations therefor, or prohibit violations thereof.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The state board of forestry is hereby authorized to accept deeds and conveyances of lands in the name of the people of the State of California, for park purposes. State board of forestry authorized to accept lands for park purposes.

SEC. 2. The state board of forestry is hereby authorized and empowered to consent to such conditions as may be imposed by the grantors of any such lands and to attach to the same the name or names of the grantors thereof. Such tracts shall thereafter be known by the names selected by the grantors and agreed upon by the state board of forestry.

SEC. 3. Said forestry board shall have full power and control over said park or parks and over any and all funds provided for the care, maintenance, preservation and improvement of the same and shall make and enforce all necessary rules and regulations for the care, maintenance, preservation and improvement of the same.

CHAPTER 706.

An act to amend an act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, by amending sections three b and five thereof, and to add a new section to said act to be numbered section eight, relating to the inclusion in the term "Irrigation districts" districts designated as water conservation districts.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 583,
amended.

SECTION 1. Section three b of the act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, is hereby amended to read as follows:

No expendi-
tures
without
consent of
commission.

Sec. 3b. Whenever the bonds of any irrigation district have been certified as provided in this act, no expenditures shall be made from the proceeds of such bonds, nor shall any liability to be met from such proceeds be incurred, until there shall have been filed with and approved by said commission such a schedule of proposed expenditures of such proceeds as may be necessary to set forth to the satisfaction of said commission the plan proposed for carrying out the purposes for which said bonds were authorized, or such of said purposes as the district may, at the time of filing such schedule, desire to proceed with; and no expenditures from the proceeds of said bonds shall be made for any purpose not specified in such approved schedule or for any approved purpose in excess of the amount allowed therefor in such schedule without the consent of said commission; nor shall any expense of any kind be incurred in excess of money actually provided by levy of assessment or otherwise except as provided in section fifty-nine of the California irrigation district act. During the progress of any work to be paid for from the proceeds of any bond issue certified as in this act provided, the department of engineering, on behalf of the commission herein authorized, shall make from time to

Inspection
by depart-
ment of
engineering.

time, at the expense of the district, such inspection of the work as may be necessary to enable the said department to know that the plans approved by the commission are being carried out without material modification unless such modification has been approved by said commission.

SEC. 2. Section five of said act is hereby amended so as to read as follows:

Stats. 1013,
p. 780,
amended.

Sec. 5. The attorney general, the state engineer and the superintendent of banks are hereby constituted the California bond certification commission, being the commission herein provided for, and said commission shall elect one of its members chairman and may employ such clerks and assistants as may be necessary for the performance of the duties herein imposed, and may fix the compensation to be paid to such clerks and assistants.

California
bond certifi-
cation
commission
created.

SEC. 3. A new section is hereby added to said act after section seven, to be numbered eight, and to read as follows:

Sec. 8. The words "irrigation districts" wherever used herein for all purposes hereof shall be deemed to include water conservation districts.

Water
conservation
districts
included.

CHAPTER 707.

An act to amend section one thousand five hundred eighty-two of the Political Code, relating to the suspending or lapsing of elementary school districts.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred eighty-two of the Political Code is hereby amended to read as follows:

1582. *First*—If in any elementary school district there has been an average daily attendance of only five or a number of pupils less than five during the whole school year, the superintendent shall, after giving due notice to all parties interested by sending notices by registered mail to each of the trustees, or, by causing notices to be posted in three public places in the district, one of which shall be at the door of the schoolhouse, for not less than ten days, report the fact to the board of supervisors at their first meeting in July or August. The board of supervisors shall investigate the matter, and, if in its judgment it would be better to temporarily suspend the school district they shall immediately so suspend it. If the board of supervisors find that there are other school facilities or that there is no reasonable chance to reestablish the district they shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining districts in such manner as may be by them considered most convenient for the residents of said lapsed district.

Suspension
of school
district.

District
declared
lapsed.

Reestab-
lishing
district.

Second—At any regular meeting between July first and November twentieth of any year, the board of supervisors may reestablish a suspended school district upon proper showing of the people or board of school trustees of the district that there are eight or more pupils of the district ready to attend school.

Apportion-
ment for
suspended
district.

Third—After a district has been suspended, the county superintendent shall at the time of making the apportionment of school moneys as provided in section one thousand eight hundred fifty-eight of the Political Code, apportion seven hundred dollars from the unapportioned state school fund and seven hundred dollars from the unapportioned county school fund to such suspended district. This amount, with any unexpended balance to the credit of the district, shall be held for the use of the suspended district, in case it should be reestablished, and so much of it as may be needed to keep the property of the suspended district insured may be expended by the trustees in the same manner as if the district were not suspended. But no subsequent apportionment shall be made to a suspended district, until the school year following the first school year after it has been reestablished.

Trustees.

Fourth—Trustees shall be elected or appointed in suspended districts just as if they were not suspended.

Notice in
July.

Fifth—The superintendent may at any time in the month of July of any year give notice as provided in subdivision two of this section, to any suspended district which has not maintained school during the year past, and at the first meeting of the board of supervisors in July, August or September, ask that such district be declared lapsed.

Suspended
district
merged with
adjoining
district.

Sixth—A suspended district may be merged with one or more adjoining districts whenever a petition signed by the majority of heads of families residing in each of said districts shall be presented to the board of supervisors. Such petition must be filed with the county superintendent and by him presented to the board of supervisors with such suggestions as he thinks best.

Disposition
of property
of lapsed
district.

Seventh—When any district has been declared lapsed, the board of supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district. Thereupon the superintendent shall determine all outstanding indebtedness of said lapsed district, and shall draw his requisition upon the county auditor in payment thereof. Any balance of moneys remaining to the credit of said lapsed district after all indebtedness has been paid shall be transferred by the superintendent to the credit of the district into which the said lapsed district has been merged. If the lapsed district has been attached to more than one of the adjoining districts, the superintendent must apportion the moneys remaining to the credit of the lapsed district to the several districts pro rata according to the number of pupils in average daily attendance in the respective

districts as shown by the teachers' reports for the preceding school year. Should there not be sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness thereof, the superintendent shall draw his requisition upon the county auditor pro rata for the several claims.

CHAPTER 708.

An act authorizing the state treasurer and the board of control to enter into agreements to pay commissions on the sale of certain bonds of the State of California and providing for the funds from which such commissions shall be paid.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The state treasurer upon the approval of the governor and the board of control is hereby authorized to enter into agreements to pay commissions for services rendered in the procuring of bids for all or any portion or portions of the state bonds issued under the provisions of an act entitled "An act to provide for the issuance and sale of state bonds to be known as 'state building bonds,' to provide a fund for the erection and equipment of state buildings in the city of Sacramento for state purposes, creating a commission to determine the amount to be expended for furnishing and equipping said buildings and accepting a suitable site, creating a sinking and interest fund for the payment of interest on said bonds and the redemption of the same, making an appropriation therefor, making an appropriation of five thousand dollars for the expenses of printing and lithographing said bonds and providing for the submission of this act to a vote of the people," approved June 5, 1913.

Payment of
commissions
on state
building
bonds.

No agreement shall be entered into by the state treasurer to pay any commission, or commissions, which shall, singly or in the aggregate exceed the amount made available for such purposes by the provisions of this act or any act adopted by the legislature at its forty-fourth session for this purpose, and no commission shall be paid except to one who has procured and effected the sale and not until the money from the sale of such bonds has been paid into the state treasury, and no commission shall be paid on any sale of any such bonds to any board, department or agency of the state authorized by law to purchase the same.

Should any purchase of said bonds or any thereof, hereafter be made by any board, department or agency of the state authorized by law to make such purchase, on any resale of such bonds so purchased or any thereof, thereafter made by such board, department or agency the foregoing provisions of this act as to entering into agreements to pay, and the pay-

ment of commissions shall apply to such resales as well as to original sales of said bonds or any thereof.

Reappropriation.

SEC. 2. The moneys appropriated by the act entitled "An act appropriating the sum of three hundred thousand dollars for the erection and equipment of state buildings in the city of Sacramento for state purposes," approved May 27, 1919, are hereby reappropriated to carry out the purposes of this act, and the entire amount of said moneys, three hundred thousand dollars, shall become available for the purposes of this act on the -----day of -----.

Original sale.

SEC. 3. Nothing herein contained shall be construed to prevent an original sale, or a resale by any board, department or agency of the state, of said bonds or any thereof without the payment of such commission.

CHAPTER 709.

An act to amend sections one thousand nine hundred twenty-five, one thousand nine hundred twenty-eight, one thousand nine hundred thirty-four and one-half, one thousand nine hundred fifty-four, one thousand nine hundred fifty-seven, one thousand nine hundred sixty-four, one thousand nine hundred sixty-five, one thousand nine hundred eighty, one thousand nine hundred eighty-three, one thousand nine hundred eighty-four, one thousand nine hundred eighty-five, one thousand nine hundred eighty-seven, two thousand three, two thousand four, two thousand eight, two thousand forty-one, two thousand seventy-six, two thousand seventy-seven, two thousand seventy-eight, two thousand seventy-nine, two thousand ninety-eight, and two thousand one hundred eleven, and to repeal sections one thousand nine hundred eighty-one and two thousand eighty of the Political Code, all relating to the national guard.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

Staff departments of national guard.

SECTION 1. Section one thousand nine hundred twenty-five of the Political Code is hereby amended to read as follows:

1925. The national guard of California shall consist of the following staff departments, to wit: An adjutant general's department, an inspector general's department, a judge advocate general's department, a quartermaster corps, a medical department, a corps of engineers, an ordnance department, a signal corps, and such other staff departments as may be prescribed and authorized by the national defense act of June 3, 1916, and the various amendments thereto; it shall also consist of the commissioned officers who shall hereafter be placed in the national guard reserve; it shall also consist of all organizations now forming the national guard of this state under the

terms of the said national defense act of June 3, 1916, and the amendments thereto; and shall include the naval militia of this state when organized; it shall also consist of such other organizations as may be required by the national defense act of June 3, 1916, and the amendments thereto. The commander-in-chief shall have the power, and it shall be his duty to change the organization of the national guard of this state so as to conform to any organization, system of drill or instruction now or hereafter prescribed by the laws and regulations of the United States for the organization and government of the national guard, and for that purpose the number of officers and noncommissioned officers of any grade may be increased or diminished or the grades may be altered or created whenever necessary to procure such uniformity.

Organization
to conform
to U. S.
laws.

SEC. 2. Section one thousand nine hundred twenty-eight of said code is hereby amended to read as follows:

1928. The chief of the adjutant general's department shall be in control of the military department of the state, and subordinate only to the commander-in-chief in matters pertaining to the said department. He shall be chief of staff. He shall perform such duties as are prescribed in this title and such other duties consistent with the regulations and customs of the United States army and United States navy as may be prescribed by the commander-in-chief. All the duties of the adjutant general shall be performed under the direction of the commander-in-chief.

Duties of
adjutant
general.

1. He shall keep a register of all the officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and make a biennial report to the commander-in-chief including a detailed statement of the moneys received and disbursed by him for military purposes during that period, and the number and condition of the national guard.

Register of
officers.

2. He shall, at the expense of the state, when necessary, cause the military law, general regulations of the state and articles of war of the United States, and such other military publications as may be necessary for the military service, to be printed, indexed, and bound in compact form and distributed to the commissioned officers and the several organizations of the national guard.

Publica-
tions.

3. He shall cause to be prepared and issued all necessary blank books, blanks and notices required to carry into full effect the provisions of this title. All such books and blanks shall be and remain the property of the state.

Books and
blanks.

4. The seal now used in the office of the adjutant general shall be the seal of his office, and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with his seal.

Seal.

5. In order that the national guard of the state may receive the funds provided by congress, it shall be the duty of the adjutant general of the state to prepare and submit a plan of proposed field or camp service of instruction for the ensuing

Plan of
proposed
field or
camp
service.

year, with an estimate of the funds required for pay, subsistence, and transportation of the portion of the national guard participating therein; and said estimate to furnish the details and to be made out in the form required by instructions from the secretary of war, or the secretary of the navy.

Regulations
pertaining
to reports
and
property.

6. He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property, in the possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand; such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instruction.

Care of arms
and equip-
ment.

7. He shall attend to the care, preservation, and safekeeping and repairing of the arms, ordnance, accoutrements, equipments, and all other military property belonging to the state or issued to the state by the government of the United States for the purpose of arming and equipping the organized militia. All military property of the state, which, after a proper inspection, shall be found unsuitable for the use of the state shall, under the direction of the commander-in-chief, be disposed of by the adjutant general at public auction after suitable advertisement for sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale or may be condemned and destroyed when so ordered by the commander-in-chief. He shall bid in the property or suspend the sale whenever in his opinion better prices may or should be obtained. He shall, from time to time, render to the commander-in-chief a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the commander-in-chief may direct. And all such military property belonging to the state may be disposed of by the adjutant general without reference to the state board of control. He shall be responsible for all the arms, ordnances, accoutrements, equipments and other military property which may be issued to the state by the secretary of war and secretary of the navy in compliance with the law; and it shall thereafter be his duty to prepare returns of such arms and other property of the United States at the time and in the manner required by the secretary of war and the secretary of the navy. He shall, upon the order of the commander-in-chief, turn in to the ordnance department of the United States army or navy, the rifles, carbines, bayonet scabbards, gun slings, belts, and such other necessary accoutrements and equipments the property of the United States and in the possession of the state, which may be replaced from time to time, by new arms, equipment, etc., sent by the United States in substitution therefor, and cause the same to be shipped, under the instructions from the secretary of war, or secretary of the navy, to the designated arsenal or depot at the expense of the United States. And when the national guard of the state shall be fully armed and equipped

with the standard magazine arms, and the standard equipment and accoutrement of the United States army and navy, he shall cause all the remaining arms, equipments, etc., the property of the United States, and in possession of the state, to be transferred and shipped as above directed.

8. He shall keep a just and correct account of all expenses necessarily incurred, including pay of officers and enlisted men, subsistence of militia, transportation of the militia, and of all military property of the state, and such expenses shall be audited and paid in the same manner as other military accounts are audited and paid. Account of expenses.

9. He shall issue such military property as the commander-in-chief shall direct, and under his direction shall make purchases for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except such portions of the reserve militia as may be called out by the commander-in-chief. Purchases of property not exceeding five hundred dollars in value shall be made in such manner as the adjutant general shall direct. If such purchases shall require an expenditure of a sum exceeding five hundred dollars he shall publicly advertise for not less than ten days for sealed proposals for furnishing such property; such proposals shall be publicly opened by him at the place, day and hour designated in such advertisement; *provided, however*, that he may purchase at any time any or all military property, equipments and supplies, required by the military department of the state from the United States government, under the provisions and regulations of the war and navy departments governing such purchases. He shall, if the commander-in-chief approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the adjutant general. The adjutant general is authorized and directed whenever, in his opinion, it shall be to the interest of the state, to require the party who shall agree or contract to furnish such property to give bond to the people of the state in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case of default such bond shall be prosecuted by the attorney general and all moneys received therefrom shall be expended by the adjutant general for the benefit of the national guard. All property purchased under authority herein granted shall be inspected by an inspector or officer detailed for the purpose by the commander-in-chief, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. In case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger thereof, the commander-in-chief may temporarily suspend the operation of this paragraph and direct the adjutant general to purchase Issuing of military property. Purchases. Bond of bidder. In case of insurrection, etc.

such military property or supplies as may be required in open market.

Attest com-
missions.

10. The adjutant general shall attest all commissions issued to military officers.

Reports to
U. S. govern-
ment.

11. He shall superintend the preparation of all returns and reports required by the United States from the state on military matters.

In absence
of adjutant
general.

12. In the absence or inability of the adjutant general to perform his duties, the officer on duty in the adjutant general's office of the rank of lieutenant colonel, shall perform the duties prescribed for the adjutant general, and in the absence or inability of both of said officers, the commander-in-chief may detail a national guard officer to perform the said duties during such absence or inability. The duties of the officers of the adjutant general's department shall be such as prescribed by law and the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for like officers in the United States army.

SEC. 3. Section one thousand nine hundred thirty-four and one-half of said code is hereby amended to read as follows:

Machine
gun units.

1934½. Machine gun units may be organized and assigned as provided for similar organizations of the United States army, in the discretion of the commander-in-chief of the national guard of California. Such number of officers and enlisted men of the ranks and grades as obtain in the United States army for similar organizations, shall constitute such machine gun units.

SEC. 14. Section one thousand nine hundred fifty-four of said code is hereby amended to read as follows:

Examination
of officers.

1954. Before receiving a commission, or before being commissioned to a higher grade as a result of promotion, every officer of the national guard must have passed a satisfactory physical examination before a medical officer of the United States army or national guard, active or reserve, and a satisfactory examination before a board of commissioned officers as to his knowledge of military affairs and general knowledge and fitness for the service, and anyone failing to pass such examination shall not be eligible for an office in the national guard or for promotion for a period of one year after date of such failure; *provided*, that a candidate for original appointment or for promotion may, upon his own application, be reexamined after the expiration of six months from the date of the first examination; *provided, further*, that pending the announcement of the results of the examination as to the officer's professional qualifications the governor may issue a temporary commission to said officer.

SEC. 5. Section one thousand nine hundred fifty-seven of the said code is hereby amended to read as follows:

Vacancies.

1957. When a vacancy occurs among the general officers of the line of the national guard, the governor shall propose

to the war department, upon the recommendation of the adjutant general, the name of an officer to fill the vacancy. The officer so recommended will be required to take such examination as may be prescribed by the war department. When notified by the war department that the officer has successfully passed such examination, the governor shall commission him; *provided*, that pending the announcement of the results of such examination the governor may issue a temporary commission to the appointee. Staff officers of a brigade, regiment, unit of coast artillery corresponding to a regiment of infantry, and staff officers of a separate battalion or separate squadron, shall be recommended to the adjutant general by such brigade, regimental, battalion or squadron commander, or commanding officer of unit of coast artillery corresponding to a regiment of infantry, who may recommend not to exceed three candidates to the adjutant general, who will cause such candidates to be examined. In making these recommendations seniority of candidates will be taken into consideration. In the case of officers of separate organizations, the adjutant general will select not to exceed three candidates, whom the adjutant general will cause to be examined. The candidate receiving the highest rating in such examination will be recommended by the adjutant general to the governor for commission, subject to such examination as may be prescribed by the war department. All officers shall be commissioned in the arm of the service in which they are appointed and shall be assigned to duty by the adjutant general upon recommendation of the commanding officer of the regiment, unit of coast artillery corresponding to a regiment of infantry, separate battalion or squadron.

SEC. 6. Section one thousand nine hundred sixty-four of the said code is hereby amended to read as follows:

1964. The commander-in-chief, whenever he may deem that the good of the service requires it, or upon the request of a brigade commander, or other commanding officer, may order any commissioned officer before a board of examination, to consist of three officers, of the grades specified in the national guard regulations of the war department, which is hereby invested with the powers of courts of inquiry and courts-martial, and such board shall examine into the moral character, capacity, and general fitness for the service of such commissioned officer, and record and return the testimony taken and a record of its proceedings. If the findings of such board be unfavorable to such officer and be approved by the commander-in-chief, he shall be discharged from the service. No officer whose grade or promotion would in any way be affected by the decision of such board, in any case that may come before it, shall participate in the examination or decision of the board in such case. Failure to appear when ordered before a board constituted under this section shall be sufficient ground for a finding by such board that the officer ordered to appear be discharged.

Examination
and
discharge
of officers.

SEC. 7. Section one thousand nine hundred sixty-five of the said code is hereby amended to read as follows:

Absence
deemed
resignation.

1965. Any commissioned officer who absents himself from the state, or from his command, for three months, without the permission of the commander-in-chief, is deemed to have resigned, and such resignation shall be announced in orders from the adjutant general's office immediately after the fact of such absence becomes officially known.

SEC. 8. Section one thousand nine hundred eighty of the said code is hereby amended to read as follows:

Who may be
enlisted.

1980. Any male who is a citizen of the United States or who has legally declared his intention of becoming a citizen, of more than eighteen and less than forty-five years of age, able-bodied, free from disease, of good character and temperate habits, may be enlisted in the national guard of this state under the provisions of the national defense act of June 3, 1916, and the various amendments thereto. Original enlistments in the national guard shall be for a period of three years and subsequent enlistments for periods of one year each; *provided*, that persons who have served in the United States army for not less than six months, and have been honorably discharged therefrom, may, within two years after June 4, 1920, enlist in the national guard for a period of one year and reenlist for like periods. The restriction as to maximum age and citizenship shall not apply to soldiers who have previously served honestly and faithfully in the United States army, regular army, the organized militia, or the national guard. The qualifications for enlistment shall be the same as those prescribed for admission to the regular army, and all men enlisting in the national guard must sign an enlistment contract, and take and subscribe to the oath set forth in section seventy of the national defense act of June 3, 1916, as amended.

SEC. 9. Section one thousand nine hundred eighty-three of the said code is hereby amended to read as follows:

Transfers.

1983. Enlisted men may be transferred upon their own application in the same regiment, battalion or squadron not part of a regiment, from one company or troop to another, by the commanding officer of such regiment, battalion or squadron; from one regiment, battalion or squadron not part of a regiment, signal corps, unattached troop or company, to another in a brigade, by the commanding general of that brigade or by the commander-in-chief; from an organization in one brigade to an organization in another brigade, by the commander-in-chief. Noncommissioned officers must be reduced to the grade of private before they can be transferred. No transfer shall be made except upon the approval of the commanding officers of the organizations affected.

SEC. 10. Section one thousand nine hundred eighty-four of the said code is hereby amended to read as follows:

1984. Commanding officers of regiments and of coast defense commands and of battalions and squadrons not part of regiments shall appoint and warrant the noncommissioned officers of their respective regiments, coast defense commands, battalions and squadrons, and they shall, in their discretion, warrant the noncommissioned officers of the troops, batteries and companies of their respective regiments, coast defense commands, battalions, and squadrons from the members thereof, upon the written nomination of the commanding officers of the troops, batteries and companies, respectively. In troops, batteries and companies not part of a regiment, coast defense command, battalion, or squadron, but attached to a brigade, the noncommissioned officers shall be warranted by the brigade commander, in his discretion, from the members thereof, upon the written nomination of the commanding officer of such troop, battery or company. In troops, batteries, companies, and corps, except the coast artillery corps, not attached to a brigade, regiment, coast defense command, battalion, or squadron, the noncommissioned officers shall be warranted by the respective commanding officers thereof. The officer warranting a noncommissioned officer shall have power to reduce to the ranks, for good and sufficient reasons, the noncommissioned officers warranted in accordance with this section.

Appoint-
ment of non-
commissioned
officers.

SEC. 11. Section one thousand nine hundred eighty-five of the said code is hereby amended to read as follows:

Honorable
discharge.

1985. An honorable discharge shall be issued under the following circumstances, viz: To a man who has faithfully performed his duties during his term of service as required by the conditions of his enlistment or reenlistment, or during his total service, and who has been lawfully relieved of all responsibility for public property issued to him, and from all accountability to his organization. Unless unavoidable circumstances intervene such discharge will be furnished an enlisted man at once upon the expiration of his term of service, which term will date from the taking of the oath of enlistment or reenlistment. Proper steps shall be taken in due time for the settlement of the enlisted man's accounts and responsibility for property, and forwarding the necessary papers so as not to withhold the discharge after it is due.

Any enlisted man may be honorably discharged before the expiration of his term of service by the commanding officer of a regiment, of the coast artillery corps, of the naval militia, or unattached battalion or squadron, or, if a member of an unattached company or troop, by the brigade commander or the commander-in-chief, or by order of the commander-in-chief, upon the recommendation of his commanding officer, for any of the following reasons:

1. To accept promotion by commission;
2. To enlist in the United States army, navy, or marine corps;

3. Upon disability established by a certificate of a medical officer;

4. Upon removal of residence from the state or out of the bounds of the command to which he belongs to so great a distance that in the opinion of the commanding officer he can not properly perform his military duty.

5. At the discretion of the officers authorized to issue discharges upon the recommendation of the company, troop, or other immediate commander, when the man seeking discharge shall make application and furnish satisfactory proof under oath that further service in the national guard will entail great loss and unusual hardship upon him; such discharge shall not be granted when a man is ordered into active service.

6. To a man rendered supernumerary by the reduction of the organization of which he is a member; or who is a member of an organization which may be disbanded.

Dishonorable
discharge.

A dishonorable discharge shall be issued:

1. To a man sentenced by a general court-martial to be discharged;

2. To a man convicted of a felony in a civil court;

3. To a man for neglecting or refusing to pay any fine imposed by a military court within thirty days after it was imposed.

A discharge without honor may be issued:

1. By sentence of a general or summary court-martial;

2. Whenever the commanding officer of a company shall approve the application of two-thirds of the members of the company for the discharge of an enlisted man thereof; *provided*, that at a regular meeting of the company, or at a meeting called for that purpose, two-thirds of the members of the company desire by vote the discharge of one of their members;

3. To a man whose immediate commanding officer applies for his discharge without honor. The application for such discharge shall be directed to the officer authorized to issue it, and shall briefly state the grounds on which the discharge is applied for. The man whose discharge is applied for shall be entitled to be heard in person to explain the statements contained in the application and shall have ten days' notice of such hearing, a copy of the application and of the notice of time and place of hearing being served on the man in the same manner as warnings for duty are given. If the officer authorized to issue the discharge approves of the application of the immediate commanding officer after the conclusion of the hearing above provided for, he will issue the discharge, and if he disapproves, the man will not be discharged;

4. The officers authorized to issue discharges may also upon application of company commanders, discharge without honor, if convinced after proper investigation that such discharge should be issued, any enlisted man who habitually absents himself from the drills and instruction of his organization, or has shown a lack of interest in his military work sufficient to warrant the same;

5. Or any enlisted man may be discharged without honor for the good of the service by the commanding officer of the regiment, coast artillery corps or unattached battalion or squadron, or if a member of an unattached company or troop, by the brigade commander, or in other instances by the commander-in-chief, upon the recommendation of a company or troop commander and after a careful investigation by the officer issuing the discharge.

The officers authorized to issue the discharges hereinbefore specified are: The commanding officer of a regiment, or of a battalion or squadron not part of a regiment or the coast artillery corps; the commanding officer of a brigade for any organization attached to the brigade and not above specified; the commanding officer of the naval militia and the commander-in-chief.

Provided, the provisions of this section are in addition to the provisions of the military laws of the United States and the regulations of the United States war department governing the discharge of enlisted men, when not in conflict with such laws and regulations, which laws and regulations shall have precedence over state laws and regulations in all matters pertaining to the discharge of enlisted men of the national guard of this state.

Sec. 12. Section one thousand nine hundred eighty-seven Desertion. of the said code is hereby amended to read as follows:

1987. If any member of the national guard absents himself without leave for a period of three months from all drills, or parades of his company, and there is reason to believe that he does not intend to return, he will be carried as a deserter, except when such absence is caused by sickness, the fact of such sickness to be established by doctor's certificate and his commanding officer will furnish a statement setting out all the facts, forwarding the same through military channels to the adjutant general, for the action of the governor, who may authorize the soldier to be dropped as a deserter.

If any member of the national guard when on duty with his company, by order of the proper authority for the suppression of insurrection, preservation of the peace, or similar duty, wilfully absents himself from his command for more than twenty-four hours, he shall be carried as a deserter, and his commanding officer will take immediate steps to secure such deserter's arrest.

Deserters in time of insurrection, or disturbance of the peace, when captured, or when voluntarily surrendering themselves, will be brought before a court-martial according to the statutes of California and the rules and articles of war.

Lists of deserters will be published by the adjutant general, in orders, for the information of the national guard of California.

A deserter will make good the time lost by desertion, unless discharged by competent authority. He will be considered again in the service from the date of his apprehension or sur-

render; but if a deserter enlists while in desertion, such service shall not be counted as making good time lost by desertion.

A deserter will not be restored to duty without trial except by authority competent to order his trial; such restoration, being ordered in case the desertion is admitted, does not remove the charge of desertion or relieve the soldier from any of the forfeitures attached to that offense; he must make good the time lost by desertion, refund the expenses paid for apprehension and delivery, and forfeit pay while absent. The same authority is competent to set aside a charge of desertion as having been erroneously made and his order to this effect operates to remove the charge of desertion and all stoppages and forfeitures arising therefrom.

Members of the national guard not charged with crime, discovered to be deserters from the army, navy, or marine corps, will be dropped from the rolls of the national guard of California. In such case a report will be forwarded to the adjutant general, stating all the facts connected with the case, by the proper commanding officer.

SEC. 13. Section two thousand three of the said code is hereby amended to read as follows:

Drills.

2003. Officers and enlisted men of each troop and company must assemble for drill and instruction at least four times each month, at intervals of not less than one week, and for such duration as may be prescribed by the national guard regulations of the war department. In addition to such drills and instructions, the commanding officer of any organization may require officers and enlisted men of his command to assemble for drill or instruction at such other times and places as he may appoint; *provided*, that no commanding officer shall order a parade without the approval of the commanding general of the brigade to which his organization is attached, or of the commander-in-chief. All mounted companies may be required to drill mounted at least four times each year. Upon the occasion of public receptions, or upon the celebration of any event of public importance, the commander-in-chief, or the commanding general of a brigade, may order out any portion of the national guard under his command to parade.

Parades.

SEC. 14. Section two thousand four of the said code is hereby amended to read as follows:

Disbanding
of company.

2004. Any company parading at any of the parades or drills in this article provided for with a less number than required by regulations or orders, must be reported to the adjutant general, and by him reported to the commander-in-chief, who, in his discretion, may, with the approval of the secretary of war, disband the same.

SEC. 15. Section two thousand eight of the said code is hereby amended to read as follows:

Annual
inspection.

2008. The entire national guard and naval militia may, in the discretion of the governor, be inspected at their home stations at least once in each year; *provided, however*, the inspection made by the United States government, through

its army and navy officers, may be accepted by the commander-in-chief in his discretion as and for the state and no other inspection ordered for that year.

SEC. 16. Section two thousand forty-one of the said code is hereby amended to read as follows:

2041. Every enlisted man who enters the service of the state shall be provided by the state with a service or dress uniform, or both, corresponding in make and general appearance to the service and dress uniform of the United States army. Uniform of enlisted men.

SEC. 17. Section two thousand seventy-six of the said code is hereby amended to read as follows:

2076. Officers while on active duty in the service of the state shall receive the same pay and allowance as officers of similar grade in the United States army and United States navy. Enlisted men while on active duty in the service of the state shall receive two dollars per day; *provided*, that no pay shall be allowed to any officer or enlisted man when on duty in any state camp mentioned in section two thousand five of the Political Code of the State of California; and in any camp held in pursuance of orders from the commander-in-chief there shall be allowed for each mounted officer and enlisted man an adequate sum per day for the horse necessarily used by him at such camp; *provided, further*, that all enlisted men in attendance at joint-manuever camps of the national guard and United States army and all enlisted men of the naval militia while on an annual cruise of instruction in pursuance of the orders of the commander-in-chief shall receive one dollar per day in excess of the government pay per day at such camp or for such cruise of instruction; *provided*, that the time for which pay is allowed naval militia men on such cruise shall not exceed fifteen days in any one year; *and provided, further*, that officers of the national guard on duty in the adjutant general's office when called into active service by competent authority shall receive the same pay and allowance as officers of similar grade of the United States army. In case the legislature does not appropriate sufficient money to pay one dollar per day to each enlisted man participating in joint manuevers or cruises for instruction, then the money actually appropriated shall be apportioned among, and paid pro rata, to the enlisted men participating, upon estimate made by the adjutant general in advance of such apportionment and payment. Pay of officers and men.

SEC. 18. Section two thousand seventy-seven of said code is hereby amended to read as follows:

2077. Whenever an officer of the national guard is detailed for special duty in any matter relating to the national guard, by order of the commander-in-chief, or by order of the brigade, regimental, battalion or squadron commander, on approval of the commander-in-chief, he shall be allowed three dollars per day and actual traveling expenses. An enlisted man similarly detailed shall be allowed two dollars per day and Traveling expenses.

actual traveling expenses. Whenever an officer or enlisted man of the United States army or navy, detailed by the war or navy department for service with the national guard of California, is detailed by the commander-in-chief of this state for special duty involving travel not specially directed by the war or navy department, said officer or enlisted man shall be allowed his actual traveling expenses, but no per diem.

Sec. 19. Section two thousand seventy-eight of the said code is hereby amended to read as follows:

Officers'
uniforms.

2078. All officers shall receive at the conclusion of each fiscal year the sum of fifty dollars to assist in uniforming and equipping themselves; *provided*, they have served as such for the entire twelve months comprising such fiscal year, and if not, then such proportion of said sum as the time served bears to said year.

Sec. 20. Section two thousand seventy-nine of the said code is hereby amended to read as follows:

Allowances
to organiza-
tions.

2079. There must be audited and allowed by the adjutant general and paid out of the appropriation for military purposes, upon the warrant of the state controller, to the commanding officer of each infantry company designated as a rifle company, and each company of coast artillery, each engineer, hospital, ambulance, and howitzer company, and the headquarters company of each regiment and battalion of infantry, and each division and marine company of the naval militia, except the engineer division of the naval militia, the sum of one hundred fifty dollars per month; to the commanding officer of each machine gun unit; signal company, troop of cavalry, battery of field artillery, tank company, service company, motor transport company, and the engineer divisions of the naval militia, the sum of two hundred dollars per month; *provided*, that when animals are not maintained by a machine gun unit or mounted organization, the allowance to said organizations shall be one hundred fifty dollars per month; the sum so paid to be used for armory rent, care of arms and equipment, and proper incidental expenses of the company, troop, battery, or division. There shall be audited, allowed, and paid out of the same appropriation to the commanding officer of each division and brigade the sum of two hundred dollars per month; to the commanding officer of the naval militia, and to the commanding officer of each unit of coast artillery corresponding to a regiment of infantry, the sum of two hundred dollars per month; to the commanding officer of each regiment of infantry, cavalry, field artillery, and engineers, the sum of one hundred fifty dollars per month; to the commanding officer of each separate battalion of infantry, field artillery, naval militia, engineer troops and squadron of cavalry, the sum of fifty dollars per month, and to the commanding officer of each separate fort command, coast artillery, the sum of twenty-five dollars per month, the sums so paid to be used for rent of headquarters, clerical expenses, stationery, printing, postage and proper incidental expenses of the commanding officer of the organization

for which said sums are audited, allowed and paid. There shall be audited, allowed and paid to the commanding officer of the naval militia, and such officer as may be designated by the adjutant general in each regiment of infantry, cavalry, field artillery, and coast artillery, which shall have attached to it a uniformed and organized band of not less than twenty-five men, the sum of seventy-five dollars per month for such band; to the chief surgeon the sum of fifty dollars per month for rent and proper incidental expenses; and to the adjutant general the sum of fifteen thousand dollars per annum, to be expended by him in promoting target practice. There must be audited and allowed by the adjutant general, and paid out of the appropriation for military purposes, to the medical officer in charge of each detachment of the medical department on duty with each regiment of infantry, cavalry, field artillery, engineers, coast artillery, the naval militia, separate battalions and squadrons, the sum of fifty dollars per month for rent and proper incidental expenses of such detachments, and to the medical officer in charge of detachment of the medical corps attached to each separate fort command, coast artillery, the sum of ten dollars per month for proper incidental expenses. In case a unit is organized under and by virtue of the authority granted the commander-in-chief in section one thousand nine hundred twenty-five of this code, and an allowance is not otherwise provided therefor in this section, the adjutant general is authorized to determine and fix a monthly allowance for such unit, to be used for armory rent, care of arms and equipment, and proper incidental expenses. No claim shall be allowed under the provisions of this section except upon demand made quarterly in duplicate, signed and sworn to by the officer claiming the same, before any officer of the national guard, or notary public, and forwarded through the headquarters of the regiment, coast artillery corps, separate battalion, or separate squadron, or naval militia, with the approval of each commanding officer through whose headquarters they are required to pass, direct to the adjutant general; *provided*, that the adjutant general may make expenditures at any time for the promotion of target practice out of the appropriation for that purpose herein provided for.

Sec. 21. Section two thousand ninety-eight of the said code is hereby amended to read as follows:

2098. (1) All officers and enlisted men of the national guard who comply with all military duties, as provided by law and regulations, are entitled to the following privileges and exemptions, viz: Exemption from road tax and head tax of every description; exemption from jury duty; and service on any posse comitatus. All officers and enlisted men who have faithfully served in the military service of this state for the space of seven consecutive years, or eleven years not consecutive, and received the certificate of the adjutant general certifying the same, are thereafter exempted from further jury

Privileges
and
exemptions.

duty and military duty except in time of war. And the adjutant general must issue such certificate of exemption when it appears that the party applying is entitled to the same.

(2) Officers and enlisted men heretofore or hereafter honorably discharged or mustered out of the service by reason of the disbandment or consolidation of any organization, or by the provisions of any act of the legislature, shall be, and the same are hereby entitled to all the privileges and exemptions mentioned in this section, upon making a proper application therefor; *provided*, they shall have served at least five years continuously in the national guard.

(3) Former members of the national guard who have been honorably discharged for "expiration of term of service" or on account of "removal," and have returned to the limits of their commands, and officers who have resigned, been honorably discharged, or whose terms have expired, who reenlist or reenter the national guard within ninety days from the date of their discharge or the expiration of their term of office, will be given credit for continuous service and the enlistment considered consecutive.

SEC. 22. Section two thousand one hundred eleven of the said code is hereby amended to read as follows:

Naval
militia.

2111. The naval militia of California when organized, shall consist of such numbers of deck and engineer divisions, companies of marines, and aeronautic and such other organizations as the commander-in-chief may, from time to time, prescribe, in conformity with the requirements of the navy department. The naval militia shall be located throughout the coast of the State of California at the discretion of the commander-in-chief. The words "division" and "company" as used in this chapter in connection with the naval militia shall have the same meaning and effect as "company" when used in connection with infantry as used in this chapter, and the word "battalion" as used in this chapter in connection with the naval militia shall have the same meaning and effect as "battalion" when used in connection with infantry as used in this chapter. The several divisions, companies of marines, and other organizations of the naval militia may be organized into battalions at the discretion of the commander-in-chief.

Repealed.

SEC. 23. Section one thousand nine hundred eighty-one of the Political Code is hereby repealed.

Repealed.

SEC. 24. Section two thousand eighty of the Political Code is hereby repealed.

CHAPTER 710.

An act to amend section twenty-three of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of president and vice president of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections one, three, five, seven, ten, twelve, thirteen, twenty-two, twenty-three, and twenty-four of said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section twenty-three of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of president and vice president of the United States, and providing for the election of party county central committees and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections one, three, five, seven, ten, twelve, thirteen, twenty-two, twenty-three, and twenty-four of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, is hereby amended to read as follows:

Stats. 1917,
D. 1356,
amended.

Sec. 23. Except in the case of a candidate for nomination to a judicial, school, county, township or municipal office the person receiving the highest number of votes at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election; *provided*, he has paid the filing fee as required by section seven of this act; *and provided, further*, that no candidate for a nomination for other than a judicial, school, county, township or municipal office who fails to receive the highest number of votes for the nomination of the political party with which he was affiliated thirty-five days before the date of the primary election, as ascertained by the secretary of state from the affidavit of registration of such candidate in the office of the county clerk of the county in which such candidate resides, shall be entitled to be the candidate of any other political party.

Names
which go
on ballot
for final
election.

Nonpartisan
offices.

In the case of a judicial, school, county, township, or municipal office, the candidates, equal in number to twice the number to be elected to such office, or less, if the total number of candidates is less than twice the number of offices to be filled, who receive the highest number of votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; *provided, however*, that in case there is but one person to be elected at the November election to any judicial, school, county, or township office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office whose name shall be printed on the ballot at the ensuing election; *and provided, further*, that in case there are two or more persons to be elected at the November election to any judicial, school, county, or township office, and in case any candidate for such office receive at the August primary election the votes of a majority of all the voters participating in the primary election in the state or political subdivision in which said office is voted upon, such candidates being herein designated as "majority candidates," said "majority candidates" shall, if their number is equal to the number of persons to be elected to such office, be the only candidates for such office whose names shall be printed on the ballot at the ensuing November election; or, if the number of such "majority candidates" is greater than the number of persons to be elected to such office, then the names of such "majority candidates" receiving the highest number of votes, and equal in number to the number of persons to be elected to such office, shall be the only candidates for such office whose names shall be printed on the ballot at the ensuing November election; or, if the number of such "majority candidates" falls short of the number of persons to be elected to such office, then the names of such "majority candidates," if any, shall be printed on the ballot at the ensuing November election in a group (such group being herein designated as "majority group"), said group on the ballot being preceded by the designation of the office and the words "vote for -----" the blank being filled by a number equal to the number of names in such "majority group;" and in addition to the "majority group" there shall be printed on the ballot in a separate group, and separated from such "majority group," such number of additional names only of such other candidates receiving the next highest number of votes for nomination to such office as may equal twice the number of persons to be elected to such office less twice the number of names in the "majority group" (or a smaller number if the list of said other candidates be exhausted), such group to be preceded by the designation of

"Majority
candidates."

the office and the words "vote for -----," the blank being filled by a number equal to the number of persons to be elected to such office, less the number of names in the "majority group." In case of a tie vote, the names of all candidates receiving the same number of votes shall appear on the ballot in that group which would have contained any one of them had no tie occurred, whether or not the inclusion of such candidates in any group would cause such group to contain more names than hereinabove provided; and this provision as to tie votes shall, in all cases where two or more persons are to be elected to any office, be applied in lieu of the provisions of section twenty-six of the direct primary law.

Of the candidates for election to membership in the county central committee, the candidates equal in number to the number to be elected receiving the highest number of votes in their supervisorial district or assembly district, as the case may be in accordance with the provisions of subdivision five of section twenty-four of this act, shall be declared elected as the representatives of their district to membership in such committee. It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county or municipality to cause to be issued official certificates of nomination to such party candidates (other than congressional and legislative candidates, candidates for the state board of equalization, and delegates to the state convention from a holdover senatorial district) as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality, and cause to be issued to each delegate elected to the state convention from a holdover senatorial district wholly within one county or city and county and to each member of a county central committee a certificate of his election, said certificates of nomination or election, as the case may be, to be issued immediately upon the completion of the canvass as to such party offices as provided in section twenty-two of this act; and to cause to be issued official certificates of nomination to such candidates for judicial, school, county, township or municipal offices voted for wholly within one county or city and county as may be entitled to nomination under the provisions of this section. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress, members of the state senate and assembly, members of the state board of equalization, and for all officers voted for in more than one county or city and county; and to issue a certificate of election to each delegate elected to the state convention from a holdover senatorial district comprising more than one county or city and county; and to issue certificates of election to all persons elected at the May presidential

Tie vote.

County
central
committee
candidates.Certificates
of nomina-
tion.

primary election as delegates to their respective national party conventions.

Not less than thirty days before the November election the secretary of state shall certify to the county clerks or registrars of voters of each county or city and county within the state, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section twenty-two of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person if any and the designation of the public office for which he is so nominated.

List of persons entitled to receive votes.

CHAPTER 711.

An act validating the formation, organization and existence of San Luis Obispo high school district of San Luis Obispo county.

[Approved June 2, 1921. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. The formation, organization and existence of San Luis Obispo high school district of San Luis Obispo county under the laws of the State of California is hereby legalized, ratified, confirmed and declared valid.

SEC. 2. The boundaries of said San Luis Obispo high school district, of San Luis Obispo county, are hereby declared to be as follows, to wit:

Beginning at the north quarter section corner of section three, township thirty south, range twelve east, in the county of San Luis Obispo, State of California, and running east one-half mile to the northeast corner of said section; thence north one mile to the northwest corner of section thirty-five, township twenty-nine south, range twelve east; east one-half mile; south one mile; east one-half mile to the northwest corner of section two, township thirty south, range twelve east; south three and three-fourths miles to the southwest corner of the northwest quarter of the southwest quarter of section twenty-four; east one-fourth of a mile; south one-fourth of a mile; east one-fourth of a mile; south one-fourth of a mile; east one-half mile; south three-fourths of a mile to the northwest corner of section thirty-one, township thirty south, range thirteen east; east one mile; south three-fourths of a mile; east one mile; south

San Luis Obispo high school district validated.

one-fourth of a mile to the southwest corner section thirty-three; east on section line to intersect the northwest line of the rancho Corral de Piedra; southwest along the northwest line of said rancho Corral de Piedra to the southeast corner section six; west along the south line of sections six, one, two and three to intersect the east line of the rancho La Laguna; northeast and northwest on rancho lines to the south corner of lot one, section thirty-three, township thirty south, range twelve; and running thence north on section lines about one mile to the northeast corner of the southeast quarter of the northeast quarter of section twenty-eight, in said township; thence west one-fourth of a mile to the northwest corner of said subdivision; thence north on subdivision lines one-half mile to the northeast corner of the southwest quarter of the southeast quarter of section twenty-one, of the same township; thence west on subdivision lines three-fourths of a mile to the east boundary line of the rancho Los Osos; thence north along said line and along the westerly line of section twenty-one, township thirty south, range twelve east to the northwest corner of lot one, section twenty-one; thence east one-fourth of a mile; thence north three-fourths of a mile to the northwest corner of the east half of the southwest quarter of section sixteen; thence northeast on a direct line to the point of intersection of the north and south quarter section line of section three with the north line of the rancho Potrero de San Luis Obispo; thence north about one-half mile to the point of beginning.

SEC. 3. Inasmuch as said district is in immediate want of school facilities and it is essential that it immediately issue its bonds for the purpose of providing such facilities, it is hereby declared that this act is an urgency measure necessary for the public health, peace and safety, and that it shall accordingly go into effect immediately.

CHAPTER 712.

An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Certain terms when used in this act shall, unless such construction be inconsistent with the context, be construed as follows: Terms defined.

(a) The words "agricultural seeds," all domesticated grasses, cereals, legumes such as alfalfa, sweet clover, red clover, crimson clover, alsike clover, white clover, field peas,

cowpeas, beans, soy beans, and vetches, and the seeds of all other crops that are or may be grown commercially on a field scale in this state, not including flower, sugar beet, and garden vegetable seeds.

(b) "Noxious weeds," any of the following named plants: dodder (*Uscuta* species), star thistle (*Centaurea* species), thistles (*Carduus* species, *Cirsium* species, *Cnicus* species), Russian thistle (*Salsola kali*), hoary cress (*Lepidium draba*), morning-glory (*Convolvulus arvensis*), Johnson grass (*Holcus halepensis*), nut grass (*Cyperus* species), creeping mallow (*Sida hederacea*), St. Johnswort (*Hypericum* species), coast dandelion (*Hypochaeris radicata*), water grass (*Echinochloa crusgalli*), ground bur nut or puncture vine (*Tribulus terrestris*).

(c) The words "weed seeds," any and all noxious weed seeds and any and all seeds not included in the definition of agricultural seeds.

(d) "Label," a tag or label affixed in a conspicuous place on the exterior of a package or other container, plainly written or printed in the English language in type not smaller than seven-point.

Label on
agricultural
seed.

SEC. 2. Every lot of agricultural seeds, except as herein otherwise provided, when sold, offered or exposed for sale in bulk, packages or other containers of five pounds or more shall bear a label stating:

(a) The commonly accepted name of such agricultural seeds and the bushel weight thereof;

(b) The approximate percentage by weight of purity; meaning the freedom of such agricultural seeds from other kinds of seeds distinguishable by their appearance and from inert matter.

(c) The approximate total percentage by weight of weed seeds.

(d) The name of each kind of seeds or bulblets of noxious weeds which are present singly or collectively, as follows:

(1) in excess of one seed in each five grams of timothy, red top, tall meadow oat grass, orchard grass, crested dog's-tail, Canada blue grass, Kentucky blue grass, fescues, bromo grasses, perennial and Italian rye grass, western rye grass, crimson clover, red clover, white clover, alsike clover, sweet clover, alfalfa, and all other grasses and clovers not otherwise classified; (2) one in twenty-five grams of millets, rape, flax, and other seeds not specified in (1) or (3) of this subsection; (3) one in one hundred grams of wheat, oats, rye, barley, buckwheat, vetches and other seeds as large or larger than wheat.

(e) The approximate percentage of germination of such agricultural seeds together with the month and year said seed was tested; *provided, however*, that this statement shall not be a basis for prosecution under this act until after a hearing has been held thereon before the director of agriculture under

such general rules and regulations as may be adopted by the director of agriculture.

(f) The full name and address of the vendor of such agricultural seed.

SEC. 3. Mixtures of alsike and timothy, alsike and white clover, red top and timothy, alsike and red clover, when sold, offered or exposed for sale as mixtures and in bulk, packages or other containers of five pounds or more shall bear a label stating: Label on mixtures.

(a) That such seed is a mixture.

(b) The name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of five per cent by weight of the total mixture.

(c) The approximate percentage by weight of weed seeds.

(d) The name of each kind of seeds or bulblets of noxious weeds which are present singly or collectively in excess of one seed or bulblet in each fifteen grams of such mixture.

(e) The approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five per cent by weight, together with the month and year said seed was tested; *provided, however*, that this statement shall not be a basis for prosecution under this act until after a hearing has been held thereon before the director of agriculture under such general rules and regulations as may be adopted by the director of agriculture.

(f) The full name and address of vendor of such mixture. Label on special mixtures.

SEC. 4. Special mixtures of agricultural seeds, except as specified in section three of this act, when sold, offered or exposed for sale as mixtures, in bulk, packages or other containers of eight ounces or more shall bear labels stating:

(a) That such seed is a special mixture.

(b) The name of each kind of agricultural seed which is present in proportion of five per cent or more of the total mixture.

(c) The approximate total percentage by weight of weed seeds.

(d) The approximate percentage by weight of inert matter.

(e) The name of each kind of the seeds or bulblets of noxious weeds which are present singly or collectively in excess of one seed or bulblet in each fifteen grams of such special mixture.

(f) The full name and address of the vendor of such special mixture.

SEC. 5. Agricultural seeds, mixtures or special mixtures of the same shall be exempt from the provisions of this act: Exemption.

(a) When possessed, exposed for sale, or sold for food or manufacturing purposes only.

(b) When sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes.

(c) When in store for the purpose of recleaning, or not possessed, sold or offered for sale for seeding purposes within the state.

Enforcement
by director
of agricul-
ture.

SEC. 6. The duty of enforcing this act and carrying out its provisions and requirements shall be vested in the state director of agriculture. The director of agriculture is hereby empowered to adopt, from time to time, such reasonable rules and regulations not in conflict with law as he may deem necessary to carry out the provisions of this act by setting forth such rules and regulations in a proclamation, which proclamation shall be published in the agricultural bulletin of the state department of agriculture and in one or more newspapers or agricultural journals of general circulation published in the State of California. The said director of agriculture shall maintain a laboratory with proper equipment for the making of laboratory tests under this act. He may publish or cause to be published the results of the examination, analysis and test of any sample of agricultural seed, mixture or special mixture of such seed.

Inspection
of seed.

SEC. 7. It shall be the duty of the said director of agriculture, either by himself or his duly authorized agents, to inspect, examine and make analysis of and test any agricultural seed sold, offered or exposed for sale within this state for seeding purposes within this state, at such time and place, and to such extent as he may determine. The director of agriculture and his agents shall have free access at all reasonable hours to any premises or structures to make examination of any such agricultural seeds, whether such seeds are upon the premises of the owner or consignee of such seeds, or on the premises or in the possession of any warehouse, elevator, railway, steamship or transportation company, and he is hereby given authority in person or by his agents, upon notice to the dealer, his agent or the representative of any warehouse, elevator, railway, steamship or transportation company, if present, to take for analysis a composite sample of such agricultural seeds upon payment of a reasonable purchase price for the same when demanded.

Said sample shall be thoroughly mixed and two official samples taken therefrom. Each official sample shall be securely sealed. One of said samples shall be left with or upon the premises of the party in interest, and the other retained by said director of agriculture or his agent for analysis.

In case a sample drawn as provided herein upon test or analysis is found to fall below the statement on the tag or label attached to the lot from which said sample was secured, or to violate any of the provisions of this act, the vendor or consignee of said lot of seed shall be notified and a copy of said notice shall be mailed to the person, firm or corporation whose tag or label was found affixed thereto.

Seed
submitted
to test.

SEC. 8. Any citizen of this state shall have the privilege of submitting to the director of agriculture samples of agricultural seeds for test and analysis, subject to such rules and regulations as may be adopted by said director of agriculture; *provided*, that the director may by such regulations fix the maximum number of samples that may be tested free of charge

for any one citizen in any one period of time and fix charges for tests or samples submitted in excess of those tested free of charge.

SEC. 9. Any person, firm or corporation that shall fail, ^{Penalties.} neglect or refuse to affix to the packages or other containers in which agricultural seeds are sold, offered or exposed for sale, the labels required by the provisions hereof, or shall affix to any such package or other container any label containing any false statement of the matters or things required by the provisions hereof, or shall in any manner interfere with or obstruct the taking of samples of such seed as herein provided, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months or both; *provided*, that for a second or subsequent offense a fine, if imposed, shall not be less than one hundred dollars.

SEC. 10. All acts or parts of acts inconsistent with this ^{Repealed.} act are hereby repealed.

SEC. 11. If any section, subsection, sentence, clause, or ^{Constitution-} phrase of this act is for any reason held to be unconstitutional, ^{ality.} such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 713.

An act making an appropriation to carry out the purposes of an act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof."

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars is hereby appropriated to be expended in accordance with law in carrying out the purposes of the act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof," adopted at the forty-fourth session of the legislature of California. ^{Appropriation: pure seed law.}

CHAPTER 714.

An act to prevent, control, and eradicate tuberculosis in cattle in the State of California; to empower the director of agriculture to establish tuberculosis eradication or free areas; providing penalties for the violation hereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Survey of
tuberculous
cattle.

SECTION 1. In order to determine the prevalence of tuberculosis in cattle in the State of California, the director of agriculture shall upon request of the board of supervisors of any county make a survey of said county to ascertain the extent of tuberculosis in bovine animals in the said county.

Tuberculosis
eradication
area estab-
lished.

SEC. 2. If, after investigation, said director finds that ninety per cent of the cattle in any county, or counties are free from tuberculosis, he may establish an area or areas to be known and designated as "tuberculosis eradication area." A tuberculosis eradication area shall be an area established by a proclamation by the director of agriculture. Such proclamation shall designate the territorial boundary of such area and shall be published for three successive weeks in one or more newspapers, of general circulation, in said area. For the purposes of this act and to eradicate tuberculosis in cattle, and to prevent tubercular cattle from being imported into such area, all cattle shall be subject to examination, inspection, quarantine and tuberculin test applied under the directions and in accordance with the rules and regulations prescribed by the said director of agriculture. After the eradication of tuberculosis in domestic live stock has been completed, the eradication area shall by proclamation by the director of agriculture, as above provided, be declared tuberculosis free area.

Branding
affected
animal.

SEC. 3. Upon discovery by the director of agriculture of California of any bovine affected with tuberculosis, he shall cause the same to be branded with a hot iron with the letter "T" on the left neck or jaw, for purposes of future identification.

Permission
to dispose
of branded
cattle.

SEC. 4. All animals branded with the above mentioned brand ("T"), within or without said eradication or free areas, must not be sold, slaughtered, or disposed of in any manner whatsoever, or removed from the premises where located when branded, unless permission is first obtained from the director of agriculture.

Rules
governing
removal or
slaughtering.

SEC. 5. Every animal known to be affected with tuberculosis may, with permission in writing from the director of agriculture, be removed from tuberculosis eradication or free area, in accordance with and under such rules and regulations as shall be promulgated in said written permission or shall be slaughtered under the supervision of an inspector of the division of animal industry of the state department of

agriculture, or of the United States bureau of animal industry and disposed of in accordance with the rules and regulations of the State of California or of the United States bureau of animal industry, governing meat inspection.

SEC. 6. No cattle shall be permitted to enter any tuberculosis eradication or free area by common carrier, or otherwise, unless accompanied by certificate of inspection, certifying that they have been examined and inspected within ten days before the date of their entrance into such area, and showing the said cattle to be free from tuberculosis and other communicable diseases. Such certificate of inspection which shall include a tuberculin test record shall also indicate the final destination of said cattle within said eradication or free area and said certificate shall not be valid until duly approved, in writing, by the director of agriculture, which approval shall be written across the face of said certificate. All cattle so admitted shall remain upon the premises described in said approved certificate for thirty (30) days or until released by order of said director.

Inspection
of cattle
entering
area.

SEC. 7. For the purpose of carrying out the provisions of this act, the director of agriculture or his duly authorized inspectors, may, at any time, or place, enter upon any premises, except dwelling houses. No person shall obstruct, hamper or interfere with the work of said director, his agent, or inspector, while enforcing the provisions of this act. Should any owner or person in charge of cattle subject to examination, under the provisions of this act, after ten days notice in writing, refuse to properly confine in corrals or stanchions all cattle in his charge, possession, or control, in order to permit of a proper examination, under the provisions of this act, the director of agriculture, his agents, or inspectors are authorized to employ help and incur such expense as is necessary in order to properly examine for tuberculosis any and all of said cattle, and the expense of rounding up, driving, corralling, and holding for the purpose of said examination shall become and remain a lien upon said cattle, and such lien, unless paid, within five days after written notice of the amount of the same has been given by the said director of agriculture to the owner or person in possession of the same, shall be foreclosed in the manner provided in section one thousand two hundred eight of the Code of Civil Procedure.

Power to
enter
premises.

Refusal
to permit
examination.

SEC. 8. Any person, firm, or corporation, whether principal, agent or otherwise, violating any of the provisions of this act, shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars or more than five hundred dollars or not more than thirty days in jail, or by both such fine and imprisonment.

SEC. 9. In order to carry into effect the provisions of this act and other acts relating to the control of tuberculosis and animal diseases, the director of agriculture is authorized to employ a sufficient number of legally qualified graduate veterinarians and such other assistants as may be required,

Assistants.

Constitution-
ality.

SEC. 10. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Rules for
droves.

SEC. 11. Under such reasonable rules and regulations as the director of agriculture shall prescribe, bands or droves of bovine animals may be driven or transported from one county into another for grazing purposes.

CHAPTER 715.

An act to amend section nineteen c of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved June 3, 1921. In effect immediately.]

The people of the State of California do enact as follows:

Stats. 1915,
p 1248,
amended.

SECTION 1. Section nineteen c of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention

homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, is hereby amended to read as follows:

Sec. 19c. In counties of the third class there shall be one probation officer and eight assistant probation officers. The salaries of said officers shall be as follows: Probation officer three thousand six hundred dollars per annum; one assistant probation officer at a salary of two thousand seven hundred dollars per annum; one assistant probation officer at a salary of two thousand one hundred dollars per annum; one assistant probation officer, who shall also act as collector, at a salary of two thousand one hundred dollars per annum; three assistant probation officers at a salary of two thousand dollars per annum each; two assistant probation officers, who shall also act as stenographers, at a salary of one thousand five hundred dollars per annum each.

Counties of 3d class, salaries of probation officers.

CHAPTER 716.

An act to amend an act entitled "An act creating a revolving fund for the purchase of ballot paper, prescribing its use and appropriating money therefor," approved June 7, 1913.

[Approved June 3, 1921. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act entitled "An act creating a revolving fund for the purchase of ballot paper, prescribing its use and appropriating money therefor," approved June 7, 1913, is hereby amended to read as follows:

Stats. 1913, p. 926, amended.

Section 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be paid into and constitute a revolving fund for the purchase of ballot paper, which fund is hereby created. Said fund shall be used for the purchase of ballot paper in carrying out the provisions of section one thousand one hundred ninety-six of the Political Code, and shall be reimbursed by the receipts from the county or municipality obtaining such paper in accordance with said section. Said fund shall at all times be intact and represented either by cash on hand in the state treasury or ballot paper in the custody

Appropriation: revolving fund for purchase of ballot paper.

of the secretary of state, purchased from said fund and having a cost value equal to the amount necessary to bring the total fund up to thirty thousand dollars.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section one of article four of the constitution of the State of California, take effect immediately.

CHAPTER 717.

An act making an appropriation for the encouragement of county agricultural fairs and providing for the distribution of the moneys hereby appropriated.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
encouragement of
county agricultural
fairs.

SECTION 1. To encourage the holding of county agricultural fairs and to stimulate better agriculture and horticulture and the breeding of better live stock in the various counties of the State of California there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of fifty thousand dollars, one-half of said amount to be expended during the seventy-third fiscal year, and one-half to be expended during the seventy-fourth fiscal year, in accordance with the directions contained in section two of this act.

Apportionment by
state board
of control.

SEC. 2. The money hereby appropriated shall be expended under the supervision of the state board of control for premiums for agricultural, horticultural and live stock exhibits only. The state board of control shall apportion the money hereby appropriated to the various agricultural fairs held in any county or by any group of counties on the basis of the amount which such fairs actually paid in premiums for agricultural, horticultural and live stock exhibits, at the fairs held in the preceding year. It shall be the duty of the secretary of any such fair desiring to take advantage of the provisions of this act to file with the state board of control on or before August 1, 1921, and August 1, 1922, a sworn statement setting forth the actual amount paid for premiums by such county agricultural fair held in the preceding year. No allotment from the appropriation herein provided shall be made for more than one fair in any year in any county. The fact that one county joins with another county, or with several others, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys as herein appropriated.

CHAPTER 718.

An act to establish standards for grain, providing for grading and inspection, defining the powers and duties of the director of agriculture in respect thereto, prescribing penalties for violation of the provisions hereof and making an appropriation to carry out the provisions of this act.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and when cited or amended may be designated as the "California grain standardization act "

SEC. 2. The director of agriculture of the State of California is hereby charged with the duty of carrying out all of the provisions of this act, and he shall on or before sixty days from the time this act becomes effective put into effect the provisions of this act relative to the grading and inspection of grains for which federal standards have been established under authority of the United States grain standards act. He shall appoint, fix the compensation and determine the duties of such inspectors and other employees as shall be necessary to carry out the provisions of this act.

SEC. 3. He shall have the power:

(a) To establish uniform grades for grain, which are hereby defined as including corn (maize), wheat, rye, oats, barley, grain sorghum and beans. Any standard for grains now or hereafter made mandatory under authority of the congress of the United States, shall forthwith, be established and promulgated by the director of agriculture as the official standards of this state. In establishing grades for grain that is sold on a dockage basis, dockage shall be considered and such dockage that is of value and retained shall be paid for. Dockage as used therein shall be understood to mean dockage as defined in the official grain standards of the United States.

(b) To make, amend, or repeal rules and regulations for the grading and inspecting of grain, for the purpose of carrying out the provisions of this act, provided that all such rules shall be published by him in such manner as to give proper publicity thereto.

(c) To fix and determine all charges for sampling, grading and inspecting grain.

SEC. 4. The director of agriculture may establish official stations for the inspection of grain at any town or place where grain is bought, sold, marketed, stored or manufactured. The director of agriculture shall inspect and grade upon request all grain sold, offered for sale, or consigned for sale. He shall issue a uniform grade certificate stating the kind and grade of grain, test weight per bushel, and the reason for all grade below number one, and such other facts as he may

Title of act.

Enforcement
by director
of agri-
culture.

Powers of
director.

Stations for
inspection
of grain.

require; *provided, however*, that none of the facts certified in such certificate shall be presumed to continue or exist beyond sixty days after the date of such certificate; *provided, further*, that certificates issued by authorized agents of the department of agriculture shall be received in all courts of the State of California as prima facie evidence of the truth of the statements therein contained at the time of the issuance of said certificate and for sixty days thereafter. Such certificates shall be delivered to the owner of such grain or his agent.

Inspectors.

SEC. 5. The director of agriculture may appoint any person as an inspector under the provisions of this act eligible for a license under the United States grain standards act. No officer or employee of the department of agriculture engaged in the inspecting or grading of grain under the provisions of this act shall be interested financially or otherwise, directly or indirectly, in any grain elevator, warehouse or in the merchandising of grain, or be employed by any person, firm or corporation owning or operating any grain warehouse or elevator.

Inspector's certificate

SEC. 6. The director of agriculture shall issue to each employee authorized to grade and inspect grains under this act a certificate showing such authority, which shall be posted in a permanent and conspicuous place at the official station of such employee.

Certificates of grade.

SEC. 7. Whenever standards and grades shall have been fixed and established under the provisions of this act for any grain, it shall be unlawful thereafter for any person, firm, or corporation to buy or sell grain designed for intrastate shipment on the basis of any standard or grade that may be established under the authority of this act without first having procured certificates of grade from the director of agriculture.

Determination of grade.

SEC. 8. The grade of grain shall be determined at such points as inspectors of the department may be located, by actual sampling, grading and inspection. Such grain delivered at points where an agent or inspector of the department may not be located shall be graded on the basis of fair samples guaranteed to be such in writing by the buyer and seller. Such samples shall be taken in the manner prescribed by the director of agriculture under the rules and regulations of this act; *provided*, that certificates issued on the basis of fair samples guaranteed to be such by the buyer and seller shall state only the grade of such samples.

Appeal to federal grain supervisor.

SEC. 9. Any person aggrieved by the grading by any employee of the director of agriculture of any grain for which federal standards have been fixed, may with the approval of the secretary of the United States department of agriculture appeal to the federal grain supervisor of the supervision district in which the State of California may be located. The federal grain supervisor is hereby appointed as an employee of the department of agriculture of the State of California to serve without pay for the sole purpose of hearing and deciding appeals from the original grading of grain by an employee of

the state department of agriculture. Such federal grain supervisor may confer with the director of agriculture, his duly authorized agents, and employees and any other interested parties and shall make such tests as may be deemed necessary to determine the correct grade of the grain in question. After making such tests the federal grain supervisor shall issue, or cause to be issued, a federal appeal grade certificate to all interested parties, which shall state the grade of the grain as determined by such tests, the number of the inspector's certificate which is superseded by the federal appeal grade certificate, and the following statement: "This certificate is issued pursuant to the United States grain standards act and the California grain standards act." Such federal appeal grade certificate shall be prima facie evidence of the correct grade of the grain in any court of the State of California; *provided*, that any person aggrieved by the grading by any employee of the director of agriculture of any grain for which federal standards have not been fixed but for which state grades have been established under the provisions of this act may appeal the question to the director of agriculture. The director of agriculture shall make such tests as shall be deemed necessary to determine the correct grade of the grain in question and after making such tests shall issue or cause to be issued an appeal grade certificate to all interested parties. Said certificate shall take such form as is prescribed by the director in the rules and regulations under this act. Such certificate shall be prima facie evidence of the correct grade of the grain in any court of the State of California. The director of agriculture shall charge, assess, and cause to be collected for each such appeal as is filed with the state department of agriculture or the United States department of agriculture a fee of five dollars which shall be paid to the director of agriculture, and same shall be refunded if the appeal is sustained; *provided, further*, that any appeal from inspection and grading made under the provisions of this act shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the director of agriculture shall prescribe; *provided, also*, that any buyer of grain buying under the standards and grades of this act shall be entitled to appeal from any inspection or grading made under the provisions of this act at any time within five days of the transfer or delivery to said buyer by any seller of any certificate issued under the provisions of this act and regardless of any movement of said grain.

SEC. 10. The director of agriculture shall cause all grades established hereunder to be published in one or more newspapers or farm journals of general circulation throughout the state, with the dates when such grades so established shall become effective, which shall not be less than thirty days from the date of such publication. Official grades shall be kept on file in every official grading station for public inspection.

Tools for testing.

SEC. 11. The director of agriculture shall provide proper sieves, cleaning devices and other apparatus necessary for separating dockage from grain, grain testers, stokers, and such other tools as shall not be disapproved by the bureau of markets of the United States department of agriculture.

Penalty.

SEC. 12. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Power to make inspection.

SEC. 13. The director of agriculture and his duly authorized employees may enter and inspect any place where grain is stored, shipped, sold, or offered for sale for the purpose of carrying out the provisions of this act. The director of agriculture and his duly authorized employees may, for purposes of inspection and examination of grain, break the seals of cars and after such inspection has been made the said officials shall securely close and rescal such doors as have been opened by them, using the special seal provided by the department of agriculture for the purpose. A record of all original seals broken by said officials, and the date when broken, and also a record of all state seals substituted therefor, and the date and number of said seals, shall be made by such officials. Any person who forcibly assaults, resists, impedes, or interferes with said director of agriculture or his employees in the execution of any duty authorized to be performed by him under this act shall be guilty of a misdemeanor.

Grain standardization fund.

SEC. 14. All moneys received under the provisions of this act shall be paid into the state treasury and placed to the credit of the grain standardization fund, which fund is hereby created. All of the moneys that may be in said fund from time to time are hereby appropriated to carry out the provisions of this act.

Constitutionality.

SEC. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Repealed.

SEC. 16. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 719.

An act to promote the development of the California fruit, nut and vegetable industry in state and interstate markets, and to protect the state's reputation in these markets by establishing standards and standard packages for certain fruits, nuts and vegetables specified therein, and to prevent deception in the packing and sale of fruits, nuts and vegetables, to provide for the certification of fruits and

vegetables including the payment of fees, to prescribe penalties for violation of the provisions hereof and to repeal an act entitled "An act to promote the development of the California fruit and vegetable industry in state and interstate markets, and to protect the state's reputation in these markets by establishing standards and standard packages for certain fruits and vegetables specified therein, and to prevent deception in fruit packages, prescribing penalties for violation of the provisions hereof and making an appropriation for the enforcement of all provisions hereof, and repealing all acts inconsistent herewith," approved May 27, 1919.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows.

SECTION 1. This act shall be known, and for any and all purposes may be designated and referred to, as "The California fruit and vegetable standardization act." Title of act.

SEC. 2. To promote the development of the California fresh fruit, nut and vegetable industry and to prevent deception in the packing, shipping or sale of fruits, nuts and vegetables for state or interstate shipment, there are hereby created and established certain standards and standard packages for walnuts, apricots, berries, cantaloupes, cherries, grapes, melons, oranges, peaches, pears, plums, prunes, quinces, onions, potatoes, sweet potatoes, and tomatoes. Standards for fruits and vegetables established.

SEC. 3. All fresh fruits, nuts and vegetables of the kind specified in section two of this act, except oranges which shall be governed by the provisions of section ten, and except such fruits and vegetables for which special grades shall be established under section four of this act, when being packed, or after packing, or when shipped, delivered for shipment, offered for sale or sold, in any container or subcontainer shall be mature but not overripe, well colored for the variety and locality, virtually uniform in quality, virtually free from insect, nematode and fungous pests, rots, bruises, frost injury, sunburn and other serious defects, and except in the case of unpacked fruit or vegetables, shall be virtually uniform in size. When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides. In the case of sloping side containers no layer below the top layer shall contain a greater numerical count than the top layer. Conditions of packing.

SEC. 4. The director of agriculture is hereby empowered, through his duly authorized agents, and the county horticultural commissioners of each county of the state, their deputies and inspectors, to enforce all the provisions of this act. The director of agriculture shall have supervision and control over all enforcing officers of this act in the State of California. The refusal of any officer to carry out the orders Enforcement by director of agriculture.

and directions of the director of agriculture in the enforcement of this act shall be deemed neglect of duty. The director of agriculture is also empowered to establish and enforce such additional grades and grading rules as may be deemed necessary on fruits and vegetables for which standards have not been provided in this act, after a thorough investigation has been made of the needs of the particular fruit or vegetable for which grades are contemplated. Such grades or grading rules must, before they become effective, be approved in one or more public meetings attended by representative growers and shippers of the locality interested in the industry affected. Such meetings shall be advertised at least once in a newspaper published in that locality one week or more prior to the meetings and every grower and shipper in that locality of the commodity in question whose name is on file with the department of agriculture shall be duly notified in writing of such meetings; said meetings shall be presided over by the director of agriculture, or any of his duly authorized agents, and shall, in so far as possible and practicable, be conducted at such place or places that can be conveniently reached by representatives of the affected industry. In like manner the director of agriculture may provide for standard packages other than those provided for in section seven of this act. Grades and grading rules established in accordance with the provisions of this section shall not be modified during the current shipping season of the fruits or vegetables for which such grades were established nor shall standard packages be changed without two years notice to the industry involved.

On receipt of a written appeal signed by at least twenty-five representative growers and shippers of the commodity for which grades, grading rules or standard packages have been established under the provisions of this section, protesting against the grades, grading rules or standard packages so established, the director of agriculture shall call a hearing within ten days after the receipt of such an appeal. Due notice shall be given by the director of agriculture to all interested parties of the date and place of such hearing and the grades, grading rules or standard packages established shall be sustained, modified, or revoked in the discretion of the director of agriculture on the basis of the evidence presented. If such grades, grading rules or standard packages are not changed or modified by the director of agriculture in accordance with the provisions of this section they shall continue to be in full force and effect. Grades, grading rules and standard packages established under the provisions of this section shall be promulgated by the director of agriculture, published in one or more newspapers and farm journals of general circulation in the State of California and distributed by mail to those growers and shippers affected whose names are on file with the department of agriculture.

Approval of
grades by
growers.

Appeal.

Publication
of grades.

SEC. 5. All fresh fruits or vegetables of the kind specified in this act intended for use in processing, preserving, or in the manufacture of by-products, except that grapes must conform to the sugar standards in section ten hereof, shall be exempt from the provisions of this act, and any inspector of fresh fruits and vegetables may require from the owner or shipper of such fruits or vegetables such proof as he may deem necessary that they will be used in processing, preserving, or in the manufacture of by-products, and shall hold same until satisfactory proof is given.

SEC. 6. When used in this act the words herein mentioned shall be defined as follows: "Packages" shall mean any box, crate, lug, basket, barrel, drum, sack, or other container used for packing, shipping or selling fruits, nuts or vegetables. "Pack, packing or packed," shall mean the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer used for the purpose of sale or transportation for sale. "Deceptive pack" shall mean any package of fruits, nuts or vegetables, which has in the outer layer or the exposed surface fruits, nuts or vegetables which are so superior in quality or condition to those in the interior of the package, or the unexposed portion, as to materially misrepresent the entire contents. "Fresh fruit (except oranges) or fresh vegetables" shall mean the fresh product of any tree, vine or plant which produces edible fruits or vegetables suitable for human consumption. "Mature" shall mean a degree of ripeness fit for shipment. "Virtually uniform in size" shall mean in the case of packed fruits a difference in size of the various fruits as follows: pears, peaches and quinces, a variation of not more than one-half of an inch when measured through widest portion of cross-section; apricots, plums and prunes, a variation of not more than one-fourth of an inch when measured through widest portion of cross-section. "Virtually free" from insect, nematode and fungous pests, rots, bruises, frost injury, sunburn, and other serious defects, shall mean that the total defects shall not exceed ten per cent in any one package of fruits or vegetables, and excepting grapes that there shall not be more than five per cent of any one defect. "By-product" shall mean any product manufactured from fresh fruits, fresh vegetables, or their juices. "County" shall include in its meaning a consolidated city and county. "Container" shall mean any box, crate, or other package utilized in handling fresh fruit or vegetables. "Subcontainer" shall mean any basket or other receptacle used within a container. "Substantially colored" shall mean at least seventy per cent color.

SEC. 7. Standard packages are hereby established as follows:

(1) Standard apricot, plum and grape basket, approximately eight inches square on top, six and one-half inches on bottom, and four inches deep, inside measurements.

(2) Standard berry baskets, dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches and dry one-half pint containing interior capacity of approximately sixteen and eight-tenths cubic inches; *provided*, that the standard basket for strawberries shall be the dry pint.

	Depth inside in inches	Width inside in inches	Length outside in inches
(3) Standard pear box -----	8 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
Half pear box -----	4 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
Standard peach box -----	4 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
Standard peach box -----	4 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
Standard peach box -----	4 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
Standard crates -----	4 $\frac{1}{2}$	16	17 $\frac{1}{2}$
Standard crates -----	4 $\frac{1}{2}$	16	17 $\frac{1}{2}$
Standard crates -----	4 $\frac{1}{2}$	16	17 $\frac{1}{2}$
(4) Standard grape crates -----	4 $\frac{1}{2}$	16	17 $\frac{1}{2}$
With heavy cleat 11/16 of an inch by 11/16 of an inch.			
(5) Standard grape drum -----	14	15 $\frac{1}{2}$	---
Containing 2642 cubic inches.			
(6) Standard grape keg -----	---	---	---
Containing 2642 cubic inches mini- mum.			
(7) California lug box -----	5 $\frac{1}{2}$	14	17 $\frac{1}{2}$
(8) Peach size cherry lug -----	4 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
(9) Standard cherry lug -----	4 $\frac{1}{2}$	9	19 $\frac{1}{2}$
(10) Standard cherry box -----	2 $\frac{1}{2}$	9	19 $\frac{1}{2}$
(11) Special fruit lug -----	4	14	17 $\frac{1}{2}$

(12) Standard cantaloupe crates, twelve inches by twenty-two and one-half inches, to be packed with thirty-six or forty-five cantaloupes; four inches by twelve inches by twenty-two and one-half inches, to be packed with nine, twelve or fifteen cantaloupes; eleven inches by eleven inches by twenty-two and one-half inches, to be packed with forty-five or fifty-four cantaloupes; thirteen inches by thirteen inches by twenty-two and one-half inches, to be packed with thirty-six or forty-five cantaloupes; four and one-half by thirteen and one-half by twenty-two and one-half inches, containing nine, twelve or fifteen cantaloupes. All cantaloupe packs other than those provided in this section shall be conspicuously marked in letters not less than one-half inch in height "irregular pack."

Labels on
containers.

SEC. 8. All containers of fruit of a kind specified in this act, except subcontainers, when packed and offered for sale, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of the orchard where the same was produced, with the post-office address thereof, or the name and post-office address of the person, firm, company or corporation, or organization who shall have first packed or authorized the packing of same, or the name under which such packer shall be engaged in business, together with the post-office address of such packer; name of variety if known, and when not known the words "unknown variety"; minimum net weight or approximate number of fruits in the container or subcontainer, which number shall be within four of the true count, and no container or subcontainer shall have less than

the minimum stamped thereon. When two or more varieties are packed or placed in a container, they shall be labeled "mixed varieties." Pears and peaches, when packed, shall have the correct number within four placed on the container.

Standard or other containers when used as subcontainers are exempt from the provisions regarding marking, when the container in which they are placed is marked in compliance with the terms of this section. No containers or subcontainers of fruits or vegetables shall bear grade or other designations that are in any way false or misleading. Nothing in this act shall be construed to conflict with any California or federal regulations regarding net weight markings on containers or subcontainers.

Containers in which the fruit in the top layer only is placed in regular compact arrangement, excepting cherries, berries, and grapes, shall be labeled "face and fill" in lieu of the approximate number of fruits or net weight.

SEC. 9. All fresh fruits of the kinds specified in this act, except such as shall be used in the manufacture of by-products, when prepared or offered for sale or sold, shall be packed or placed in standard containers, which are hereby established, and shall conform to all provisions of this act; *provided*, that, with the exception of berries, other sized containers may be used if conspicuously marked in letters not less than one-half inch high. "irregular container."

Fresh fruits
to be packed
in standard
containers.

SEC. 10. In addition to the standards prescribed in section three of this act, grapes shall show a sugar content of not less than seventeen per cent Balling scale, except Burger, Emperor, Gros Colman, Pierce Isabella, and Cornichon, which shall show not less than sixteen per cent Balling scale; *provided, however*, that in cases where lower sugar content is required for processing, preserving, or manufacturing grapes than is established in this section, the director of agriculture is authorized to issue a permit for delivery of same, such permit to be a matter of public record in the department of agriculture. Containers of grapes moved under special permit shall be conspicuously marked in letters not less than one-half inch in height "low sugar content."

Sugar
content of
grapes.

Permits so issued shall be revocable at any time upon proper showing being made to the director of agriculture. Oranges shall be deemed properly matured for shipment or sale under the provisions of this act when the juice contains soluble solids equal to or in excess of eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization; *provided*, that the oranges have attained at least twenty-five per cent yellow or orange color before picking, and oranges which are substantially or at least seventy per cent colored at the time of picking shall be deemed properly matured for shipment or sale, irrespective of analysis of the juice. When packed, shipped, delivered for shipment, offered for sale or sold, oranges shall be virtually free from insect and fungous dis-

Orange-

eases and other serious defects. Oranges shall be considered unfit for shipment when frosted to the extent of endangering the reputation of the citrus industry, if shipped. The foregoing provisions shall not apply to shipments of oranges to foreign countries other than the Dominion of Canada, during any season, provided such shipments are made after the first day of November.

Horticultural commissioners to be inspectors.

SEC. 11. The horticultural commissioner of each county, his deputy and inspectors, shall be, by virtue of their office, inspectors of fruits and vegetables under this act in their respective counties.

Powers of enforcing officers.

SEC. 12. All enforcing officers under the provisions of this act shall have power to enter and to inspect every place within the county for which they have been appointed where any fruits, nuts or vegetables mentioned in this act are produced, stored, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect such places and all such fruits, nuts and vegetables and the containers thereof and equipment found in any such places. It shall be the duty of all enforcing officers mentioned in this act, to carry out the provisions of this act in their respective districts, and to cause the prosecution of any person, firm, corporation or organization, whom they know or have reason to believe to be guilty of the violation of any of its provisions. Any enforcing officer in the performance of his duties shall have the same powers possessed by peace officers of the city, county, or state, and shall have the right while exercising such police powers to seize and hold as evidence part or all of any pack, load, consignment or shipment of fresh fruits, nuts or vegetables packed, shipped, delivered for shipment, offered for sale or sold in violation of this act, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this act. He may start proceedings in any court of the county, or city and county, within his jurisdiction to secure the conviction of the party or parties who have violated any of the provisions of this act. It shall be the duty of the district attorney of said county, or city and county, in which any violation of this act may occur, to prosecute the person, firm, company, organization or corporation accused of such violation and also, at the request of the director of agriculture or his duly authorized agents, to institute and prosecute such action as may be authorized under the provisions of this act.

Rejection of shipments delivered in violation of act.

SEC. 13. It shall be lawful for any forwarding company, person, firm, corporation or organization and for any common carrier to decline to ship or transport any fresh fruits or vegetables which upon inspection are found to be delivered for shipment in violation of any of the provisions of this act, and any such forwarding company, person, firm, corporation, organization or a common carrier may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment and to return to such consignor

or hold at the expense and risk of the latter, all fresh fruits and vegetables which upon inspection are found to be delivered for shipment in violation of the provisions of this act.

SEC. 14. It shall be unlawful for any person, firm, company, organization or corporation to pack or cause to be packed for sale or shipment, import, sell, offer for sale, or deliver for shipment any of the fresh fruits, nuts or vegetables specified in this act that do not conform to the standards herein provided. It shall also be unlawful to prepare, sell or offer for sale, a deceptive pack of fresh fruits, fresh vegetables, nuts, dried fruits or dried vegetables, or to mislabel any package of such fruits, nuts or vegetables. Any person, firm, company, corporation or organization who shall violate any of the provisions of this act shall be deemed to be guilty of a misdemeanor. Penalties.

SEC. 15. The director of agriculture is empowered to define, promulgate and enforce such rules and regulations as may be deemed necessary to carry out the provisions of this act, and to prescribe the limits of tolerance within which deviations from the standard dimensions set forth in section seven shall be permitted. Rules by director of agriculture.

SEC. 16. The director of agriculture and his duly authorized agents or employees may investigate and certify to shippers or other interested parties the quality and condition of fruit, vegetables, and other farm products under such rules and regulations as he may prescribe, including the payment of such fees as will be reasonable; *provided*, that certificates issued by authorized agents of the department of agriculture shall be received in all courts of the State of California as prima facie evidence of the truth of the statements therein contained. Such investigations shall not be made or such certificates issued by any person not specially authorized by the director of agriculture. All moneys collected under the provisions of this section shall be paid into the "standardization fund," which fund is hereby created, and of which one thousand dollars (\$1,000) may be used as a revolving fund, subject to the approval of the state board of control. The "standardization fund" shall be held subject to the uses of the director of agriculture for the purpose of carrying out the provisions of this act. Certificates showing quality of products.

SEC. 17. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

SEC. 18. An act entitled "An act to promote the development of the California fruit and vegetable industry in state and interstate markets, and to protect the state's reputation in these markets by establishing standards and standard packages Stats. 1919, p. 1221, amended.

for certain fruits and vegetables specified therein and to prevent deception in fruit packages, prescribing penalties for violation of the provisions hereof and making an appropriation for the enforcement of all provisions hereof and repealing all acts inconsistent herewith," approved May 27, 1919, is hereby repealed.

CHAPTER 720.

An act to amend section two thousand three hundred twenty-two of the Political Code, relating to horticulture.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand three hundred twenty-two of the Political Code is hereby amended to read as follows:

Petition for
appointment
of county
horticultural
commis-
sioner.

2322. Whenever a petition is presented to the board of supervisors of any county or city and county, and signed by twenty-five or more persons each of whom is a resident freeholder and possessor of an orchard, or greenhouse or nursery, or rice fields, stating that certain or all orchards or nurseries or trees or plants of any variety or rice fields, are infested with any infectious diseases, or insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or that there is growing therein the Russian thistle or saltwort (*Salsola kali* var. *tragus*), Johnson grass (*Sorghum halepense*) or other noxious weeds, or red rice, or water-grasses or other weeds or grasses detrimental to rice culture, codlin moth or other insects, ground squirrels, gophers or other animals that are destructive to trees and plants; or that serious pests, plant diseases injurious to fruit, fruit trees, vines, or other plants or vegetables, or noxious weed seed are being shipped into the county which would cause damage or be liable to cause damage to the orchards, vineyards, gardens or farms of the county or state; and praying that a commissioner be appointed by them whose duties shall be to supervise the eradication, the control, or the destruction of said insects, ground squirrels, gopher or other animals, discases or Russian thistle or saltwort, Johnson grass or other noxious weeds, or red rice, water-grasses or other weeds or grasses detrimental to rice culture, when growing in fields of rice or fields adjacent thereto, or in canals or ditches used for the purpose of conveying water to rice fields for the irrigation thereof, as herein provided, the board of supervisors shall immediately notify the director of agriculture to furnish them a list of names of persons eligible to the position of county horticultural commissioner and from such list the said supervisors shall appoint a commissioner in

Appoint-
ment.

accordance with the provisions of this chapter, whose term of office shall be for four years and until his successor shall be appointed and qualified and who shall give a bond in the sum of one thousand dollars for the faithful performance of his duties.

In any case where such petition has already been presented or submitted, or is on file at the time of the passage of this act, as the basis for the appointment of a board of horticultural commissioners under this chapter as heretofore existing, such petition shall continue in full force and effect and the board of supervisors of any county, or city and county with which any such petition has been filed, or in which the office of county horticultural commissioner has heretofore existed, must appoint a county horticultural commissioner. Said appointment must be made by the board of supervisors within thirty days after receipt of said list of eligible persons from the director of agriculture.

If for any reason the board of supervisors refuse or neglect to appoint a county horticultural commissioner at the expiration of the thirty days or at the expiration of the term of office, or if they refuse or neglect to appoint a county horticultural commissioner to fill a vacancy in the office of county horticultural commissioner, as elsewhere provided for in this act, then the director of agriculture shall select and appoint a county horticultural commissioner from the said list of eligible persons. Whenever the director of agriculture shall appoint a county horticultural commissioner as herein provided, then the board of supervisors must provide for the payment of such appointee's compensation and expenses in the same manner as if such appointment had been made by the board of supervisors.

In case of vacancy in the office of county horticultural commissioner it shall be the duty of the director of agriculture to furnish the board of supervisors of the county in which such vacancy shall have occurred with a list of names of persons eligible to the office of county horticultural commissioner and from such list of names the board of supervisors shall appoint a county horticultural commissioner to fill the unexpired term within thirty days after the receipt thereof. No person shall be eligible to the office of county horticultural commissioner unless, prior to his appointment, he has received from the director of agriculture a certificate of eligibility to the office. If the position can not be filled from said list of eligibles, then such vacancy may be temporarily filled for a period not exceeding three months by a person who has not received a certificate of eligibility but who is recommended to the board of supervisors in writing by the director of agriculture.

The director of agriculture shall, by examination, pass upon the qualifications of all persons desiring to become county horticultural commissioners and may, in writing, adopt rules and regulations governing such examinations not inconsistent with law for carrying out the purposes of this act.

Term.

Petition
already
submitted.Appoint-
ment by
director of
agriculture.List of
eligibles
furnished by
director of
agriculture.Examination
of candi-
dates.

Certificates of eligibility issued by the director of agriculture shall be good for five years from the date of certification and, in the case of incumbents, shall be renewed by the director of agriculture without further examination. At the time of his appointment a county horticultural commissioner need not be a resident of the county.

Trial of
commis-
sioner.

Upon the petition of twenty-five resident freeholders, each of whom is possessed of an orchard, greenhouse or nursery, or upon evidence being presented to the director of agriculture that any county horticultural commissioner is guilty of neglect of duty, incompetence or misconduct in office, which evidence in the opinion of the director of agriculture shall warrant a hearing or hearings upon the matter, the county horticultural commissioners' trial board shall thereupon hold such a hearing or hearings at such times and places as it shall provide.

Trial
board.

The state director of agriculture and the president of the state association of county horticultural commissioners shall thereupon select an impartial third person who with said director of agriculture and said president of the state association of county horticultural commissioners shall compose a trial board to determine whether said county horticultural commissioner is guilty of the charges as presented by said petition or by said director. Said board, as thus created, shall be known as the county horticultural commissioners' trial board, and at such hearing or hearings the trial board shall hear such evidence as is offered and thereafter make an order either dismissing the charges as untrue or an order disqualifying the accused. The said director of agriculture shall give notice to the said county horticultural commissioner in writing of the time and place of such hearing and such information as to the nature of the charges as will enable him to make a defense thereto, at least ten days prior to the date of said hearing or hearings. In case the order being made by said trial board disqualifies said county horticultural commissioner such order shall be immediately transmitted in writing by the director of agriculture to the board of supervisors of said county who shall forthwith remove said commissioner of horticulture and shall immediately proceed to fill the said office for the unexpired term as in cases of vacancy as hereinbefore provided.

Office and
expenses.

The said board of supervisors shall provide a suitable office for the said county horticultural commissioner, and shall furnish and equip the said office with all necessary furniture and effects for the proper discharge of the commissioner's duties. The said board of supervisors may also provide the county horticultural commissioner with all necessary field equipment for the proper discharge of the duties of his office. All expense ordered by the board of supervisors for such office, furniture and equipment and for stenographic and other office help and expense shall be a county charge and the board

of supervisors shall allow and pay the same out of the general fund of the county.

This act shall in no wise affect any other act or acts providing for the destruction of ground squirrels or applying to the proceedings thereunder, but it is intended to and does provide the alternative system of proceedings for the extermination of ground squirrels and gophers referred to in this act; and it shall be within the discretion of the governing body of each county, city and county, city or town herein mentioned to provide for the destruction of ground squirrels whether under the provisions of this act or under the provisions of such other act or acts; but when any proceedings are commenced under this act, the provisions of this act, and of such amendments as may hereafter be adopted, and no other, shall apply to all such proceedings and any provision contained in any other act or acts in conflict with the provisions hereof shall be void and of no effect as to the proceedings commenced under the provisions of this act.

Effect of
act.

CHAPTER 721.

An act to amend section two thousand three hundred twenty-two d of the Political Code, relating to horticulture.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand three hundred twenty-two d of the Political Code is hereby amended to read as follows:

2322d. The salary of inspectors working under the county horticultural commissioner shall be not less than three and one-half dollars per day, and the necessary personal traveling expenses. The salary of the deputy shall be not less than five dollars per day when in the actual performance of his duties, and the necessary personal traveling expenses. In the case of the commissioner himself his compensation shall be fixed by the board of supervisors, either at not less than one thousand eight hundred dollars per year, or at not less than six dollars per day, when actually engaged in the performance of his duties. He shall also be allowed the necessary personal traveling expenses incurred in the discharge of his regular duties as prescribed in this chapter.

Salaries of
inspectors.

Deputy.

Commis-
sioner.

CHAPTER 722.

An act to amend section one thousand five hundred twenty-one of the Political Code, relating to the per diem of members of the state board of education and the compensation of the assistant superintendents of public instruction.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred twenty-one of the Political Code is hereby amended so as to read when amended as follows:

Compensation of state board of education.

1521. *First*—The members of the state board of education shall receive as compensation fifteen dollars per day when the board is in session. They shall also receive ten dollars per day while engaged in committee work at the Sacramento or Los Angeles offices of the board or elsewhere under the direction of the state board of education; *provided*, that the total amount of such per diem for committee work, for all members of the board shall not exceed three thousand dollars for any fiscal year. They shall also receive their actual and necessary traveling expenses.

Compensation of assistant superintendents of public instruction.

Second—Each assistant superintendent of public instruction provided for in section one thousand five hundred nineteen of the Political Code shall receive such salary as may be determined by the state board of education subject to approval by the state board of control. They shall also receive their actual and necessary traveling expenses while on official business.

Third—Within their appropriation, the state board of education may appoint such clerical and other help as may from time to time be necessary.

CHAPTER 723.

An act to amend section one of an act entitled "An act to fix the salaries of the state forester, deputy forester and assistant forester," approved March 22, 1909, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats. 1917, p. 439, amended.

SECTION 1. Section one of an act entitled "An act to fix the salaries of the state forester, deputy forester and assistant forester," approved March 22, 1909, is hereby amended to read as follows:

Salary of state forester.

Section 1. The salary of the state forester shall be four thousand dollars per annum. The state forester shall have the

authority to appoint a deputy forester at a salary of three thousand six hundred dollars per annum. The salary of the assistant state forester shall be three thousand dollars per annum. The deputy forester shall exercise all the powers and duties of the state forester during the latter's absence. All the salaries mentioned herein are to be paid in the same manner as the salaries of the other state officers are paid.

SEC. 2. All acts and parts of acts inconsistent herewith ^{Repealed.} are hereby repealed.

CHAPTER 724.

An act to prevent the propagation of noxious weeds.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The term "noxious weed" as used in this act shall be defined as any of the following species of plants: ^{"Noxious weed" defined.}

Johuson grass (*Holcus halepensis*), sand bur grass, (*Cenchrus pauciflorus*), water grass (*Echinochloa crus-galli*), nut grass (*Cyperus* species), Russian thistle (*Salsola kali*), tumbling mustard (*Sisymbrium altissimum*), hoary cress (*Lepidium draba*), puncture vine or ground bur nut (*Tribulus terrestris*), creeping mallow (*Sida hederacea*), St. Johnswort (*Hypericum* species), morning glory (*Convolvulus arvensis*), dodder (*Cuscuta* species), star thistle (*Centaurea* species), Canada thistle (*Cirsium arvense*), creeping sow thistle (*Sonchus arvensis*), coast dandelion (*Hypochaeris radicata*), and any other weed which the director of agriculture shall declare to be noxious and a menace to agriculture, as hereinafter provided.

SEC. 2. Upon information that any species of plant is a noxious weed and a menace to agriculture, the director of agriculture may declare such species to be noxious and such species shall thereafter be considered noxious within the meaning of this act. ^{Species declared noxious by director of agriculture.}

SEC. 3. After having made a practical survey, the director of agriculture may declare that an area within this state is practically free from one or more of the noxious weeds which shall be named in said proclamation and which area thereafter shall be known as a noxious weed free area as to the noxious weeds named therein which names shall be a part of the name of said area. The said director of agriculture may by similar proclamation change the boundaries of said area or declare said noxious weed free area free from additional noxious weeds, naming the same. Such proclamations shall be under the seal of the department of agriculture and shall be published in a newspaper or farm journal of general circulation published and circulated in the area to be affected by said ^{Noxious weed free area.}

proclamations for two successive weeks, and if there is no such newspaper or farm journal published and circulated in such areas, then said publication shall be made in a newspaper or farm journal published and circulated in the county in which such area is situated; and a copy of said proclamation shall be posted in one or more public places in said area.

Unlawful to distribute noxious weed seed.

SEC. 4. It shall be unlawful for any person, firm or corporation to sell, distribute or offer or expose for sale or distribution, or transport into or to sow or disseminate or cause to be sown or disseminated in any noxious weed free area any seed, bulb, tuber, rhizome or other reproductive part of any noxious weed, either singly or in combination or as an impurity in any commercial seed, which has been declared to be practically nonexistent in such noxious weed free area.

Unlawful to permit growth of noxious weed.

SEC. 5. It shall be unlawful for any railroad, canal, ditch or water company, or any person, firm or corporation owning, possessing, leasing, controlling or occupying lands in such noxious weed free area to permit any noxious weed named in said proclamation to mature and disseminate its seed thereon, or for more than two successive years to reproduce itself thereon by crowns, underground stems, buds, or any other vegetative means whatsoever.

Enforcement by director of agriculture.

SEC. 6. The duty of enforcing this act and carrying out its provisions shall be vested in the director of agriculture. The said director of agriculture shall be empowered to adopt such rules and regulations as may be deemed necessary to carry out the provisions of this act.

Penalty.

SEC. 7. Any person, firm or corporation who shall violate any provision of this act shall be guilty of a misdemeanor.

Constitutionality.

SEC. 8. If any section, subsection, sentence, clause or phrase of this act is for reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 725.

An act to provide for the registration of brands and earmarks, the licensing and regulating of cattle slaughterers and sellers of meat; prescribing duties of the department of agriculture in relation thereto, and penalties for the violation hereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Title of act.

SECTION 1. This act shall be known as the hide and brand law.

SEC. 2. The director of agriculture is hereby authorized and it is made his duty to enforce the provisions of this act and to exercise a general supervision over and protect the cattle of this state from theft, and to make such rules and regulations as may be necessary to carry out the purposes of this act.

Enforcement
by director
of agricul-
ture.

He shall appoint a secretary, counsel and such hide and brand inspectors and other employees and clerks as may be necessary for this purpose and fix the salaries of such appointees. The salaries and expenses of appointees, including other additional expenses incurred in the enforcement of this act, as hereinafter provided, shall be paid out of the cattle protection fund, which fund is hereinafter provided.

All rules and regulations made under this act shall be promulgated in a proclamation under the seal of the department of agriculture, and shall be published in one or more stock journals of general circulation in the state.

SEC. 3. 1. It shall be unlawful to brand and earmark any cattle with a brand and earmark unless said brand and mark shall be recorded and not forfeited under the provisions of this act.

Recorded
brands and
marks.

2. Any person owning cattle in this state, except as hereinafter provided, may adopt a brand and earmark with which to brand and mark his cattle; *provided*, such brand and mark be not the same or similar to the brand and mark heretofore adopted by any other person, except by special permit issued by said director. Said brands and marks must be recorded by the director of agriculture.

3. Recording a brand and mark shall consist of depicting in the brand records a facsimile of the design of the brand adopted, a diagram denoting the manner of earmarking adopted, an entry of the name and address of the person adopting the same, the date of recordation, the place upon the animal where the brand is to be used, number of the district and the location of the range whereon such animals are to range.

A brand and mark shall not be deemed similar if it is not recorded by any other person in the same or a contiguous district.

Whenever the brand records on file with the state department of agriculture disclose evidence whereby the same or a similar brand and mark has been recorded by two or more persons in any one branding district, the director of agriculture may proceed to cause an investigation to be made, and hearing held, for the purpose of determining the rights of prior ownership in such brand and mark, and when in the judgment of the director of agriculture, prior ownership to such brand and mark has been fully established, the director shall cause the cancellation of any duplicated or recorded brand in such branding district.

A brand and mark shall not be considered recorded unless all renewal fees due have been paid.

Districts.

4. The director may divide the state into a number of districts. Such districts may be changed as often as may be necessary to avoid the recordation of a brand and earmark in any two contiguous districts. Earmarks may be recorded only with a brand.

Fee.

5. The sum of two dollars shall be paid said director for the recordation of any brand and earmark; for the right to continue the use of said brand and of said earmark, under the provisions of this act, the owner thereof shall before the first day of January of each year after its recordation transmit to the said director the sum of one and one-half dollars. Failure to make such payment shall forfeit the right to use said brand and earmark. When forfeited, said brand and earmark shall not be recorded by any other person until after the expiration of one year from the date of the forfeiture thereof. Provided that no brand used or to be used for the purpose of branding cattle shall be recorded by any county clerk or recorder of any county of this state until said brand has been recorded under this act.

Transfer.

6. No transferee of any mark and brand shall use such mark and brand until transfer thereof shall have been recorded in the office of the said director and the sum of one dollar paid therefor.

Obliterating
brand.

7. No person shall obliterate a brand on the hide of any bovine animal until such hide has been inspected and tagged.

Inspection
of cattle.

SEC. 4. Inspection of cattle shall consist of the examination of the same for marks and brands, and in the case of unbranded cattle, for natural marks, and the issuance of a certificate showing said brands and marks. The inspector, as he proceeds with the inspection, shall make a record showing the number, kind, age, sex, mark and brand of each animal inspected, name of owner or claimant, consignor and consignee.

Inspection of
carcasses.

2. Inspection of carcasses of cattle with the hides attached, and of hides, will be the same as for cattle, except such inspector before issuing a certificate of inspection shall tag the same with the official tag of the department of agriculture; *provided*, that the animals from which such hides were removed, or from which such carcasses were obtained, were not inspected at shipping point or place of slaughter within fifteen days prior to slaughter.

Inspection
fee.

3. The inspector shall make such inspection upon request of the shipper or slaughterer at the point of shipment prior to shipment or place of slaughter prior to slaughter as soon as practicable after being notified, and shall receive from the person in charge of the same for such inspection the sum of five cents for each animal, carcass or hide inspected before he shall issue a certificate of inspection therefor.

4. It shall be unlawful for any inspector or other employee to issue any certificate of inspection unless such inspection shall have been personally made by him and all inspection fees collected, or neglect or refuse to forward the original certificate

of inspection and fees collected to the director of agriculture within fifteen days after said inspection has been made.

5. Tagging shall consist of attaching the official tag of the department of agriculture to the left side of the neck of the hide, and when so attached, said tag shall be prima facie evidence of inspection. Tagging.

6. No charge shall be made for the inspection of hides which have been previously inspected and tagged under the provisions of this act.

SEC. 5. 1. No person shall slaughter a bovine animal or offer for sale, barter or exchange the meat thereof, unless he shall have a license therefor issued in accordance with the provisions of this act, except as herein otherwise provided. License to slaughter or sell animal.

2. Every person slaughtering cattle as a business shall do so in a designated slaughterhouse. Before beginning business he must procure from the director a license to carry on such business and execute a bond to the State of California, in the penal sum of one thousand dollars to be approved by the director, conditioned that such person shall not slaughter, sell or expose for sale any cattle or the meat thereof, without first being the owner thereof, or being authorized so to do by such owner, and that in case he shall slaughter any cattle without being the owner, or so authorized by the owner, he shall, in addition to all other statutory penalties, pay therefor double the value of such animal. All amounts recovered on said bonds shall be paid as follows: One-half to the owner of such animal and the remaining one-half to the cattle protection fund. Slaughter-house license.

3. Said director shall grant to every applicant who complies with the provisions of this act a license to slaughter cattle and sell the meat thereof for the unexpired portion of the current calendar year. Every applicant for such license shall pay to said director the following annual fee which shall be paid in advance: Applicants who slaughter less than ten head per month: five dollars per annum. Applicants who slaughter more than ten head and less than fifty head per month, ten dollars per annum. Applicants who slaughter more than fifty head, twenty-five dollars per annum. One-fourth of said fees shall be paid for a fractional quarter of a year. But in no case shall the fee be less than two dollars for a fractional part of the year. Fees.

4. The applicant shall state in his application where his slaughterhouse is located, and he shall not slaughter cattle at any other place. If a licensee desires to change the location of his slaughterhouse, he shall apply to said director to have his license transferred, and the director may reissue the license without additional charge. Location.

5. Upon failure of a licensee for a period of fifteen days to pay said fee, his license shall thereupon be forfeited and thereafter it shall be unlawful for him to slaughter cattle until a penalty of twenty-five dollars and fifty cents per day for every day the licensee slaughters cattle after the expira- Forfeiture of license.

tion of his license, is paid to the director and a new license issued.

Revocation
of license.

6. The director may revoke a license for a wilful violation of any of the provisions hereof, after notice to the interested party and a hearing and a license so revoked shall not be re-issued except upon the payment of a renewal fee of twenty-five dollars.

Records.

7. Every slaughterer of cattle shall keep on file in his office for ninety days after slaughter, the original bill of sale and the certificate of inspection of all cattle slaughtered by him.

Record of
retailer

8. Every peddler, or retailer of meats, purchasing the meat of any bovine animal, must enter in a book to be kept for that purpose and exhibit the same on demand, the name of the person from whom said meat was purchased or otherwise obtained, the date of said purchase, the quantity so purchased, and the time and place of the delivery thereof to him.

No peddler, or retailer of meat, shall purchase the meat of a slaughtered bovine animal from any person not known to him to be licensed under the provisions of this act, or a regular wholesale dealer in meats with an established place of business.

Sale to
retailer
without
license.

9. No person not licensed as a slaughterer under this act shall give, sell, or deliver to any peddler of meats any part of the carcass of a bovine animal. This provision shall not apply to purchases from a regular wholesaler of meat having an established place of business.

Slaughtering
for own
consumption.

10. Nothing in this act shall be so construed as to prohibit an owner of property, or a ranchman located on a definite property as a tenant, lessee or purchaser under contract, from slaughtering cattle in small numbers on said premises for his own consumption, and nothing herein shall be so construed as to prohibit such ranchmen from selling or giving away a portion of the meat thereof.

Slaughtering
calves.

11. Any person actually engaged in the dairy business or engaged in the raising of cattle may slaughter upon his own premises, any calves under eight months of age, actually produced by him, upon annual notification to the director of agriculture of his intention to slaughter such calves, and filing with the office of the director of agriculture a monthly report giving the number of calves slaughtered per month.

Report of
slaughterer.

12. Every licensed slaughterer shall at the end of each calendar month mail to the director a written report stating the total number of cattle inspected for marks and brands and slaughtered during the preceding month and showing in separate columns the number thereof that were: (a) calves under one year of age; (b) cows one year of age and over; (c) steers; (d) stags; (e) bulls; (f) number slaughtered on each date; (g) branded, and (h) unbranded cattle.

Tagging
hides.

SEC. 6. 1. The director shall adopt a device for tagging the hides the design of which may be changed from time to time at his option.

2. No person shall buy or sell a bovine animal, or the carcass of any bovine animal from which the hide has not been removed, or hide thereof, unless the seller give, and the buyer receive, at the time of the delivery of such animal, carcass of any bovine animal from which the hide has not been removed, or hide, a written bill of sale, giving the number, kind and marks and brands of each hide, carcass of any bovine animal from which the hide has not been removed, or animal, signed by the party giving the same and two subscribing witnesses who have been freeholders of the county for at least two years; *provided*, that no witness shall be necessary if each of the parties is known to the other to have been resident of the county for two years immediately preceding the date of sale.

3. The hides of all cattle slaughtered by the owner thereof, or removed from any cattle which have died from any cause shall be retained in the possession of the owner where the same may be inspected, with the brands attached thereto, and without any alteration or disfiguration thereof, until said hides are inspected and tagged.

4. Every ranchman, who so slaughters cattle on such premises, shall keep a record in a book to be kept for that purpose of all cattle so slaughtered by him, with a description thereof, including all the marks and brands of such slaughtered cattle, the date of slaughter and shall at the end of each month, make a true and correct copy of such record and send the same by registered mail to the office of the director of agriculture, and he shall likewise exhibit the said record on demand of any inspector or peace officer.

5. It shall be unlawful to counterfeit or reuse the official tag adopted by the director of agriculture for tagging hides.

6. No person shall remove any tag from a hide within this state until after it has been partially tanned.

7. No person shall sell, give away, deliver, transport, buy, accept or receive the hide of any bovine animal within thirty days after the same has been removed, unless such hide shall have been inspected and tagged, as herein provided.

SEC. 7. 1. No common carrier, or owner or driver of any conveyance or vehicle engaged in the business of freighting or transporting cattle, the carcasses of cattle or the hides thereof, shall receive cattle, the hide or the dressed carcass thereof with the hide thereon, for transportation until the same has been inspected under the provisions of this act, and said carrier, owner or driver, has been furnished with duplicate certificates signed by an inspector, showing the brands and earmarks, the names of the shipper and consignee and also the origin and destination of the same; *provided, however*, that in the case of hides that have been previously tagged and the bundles or packages of the same are so arranged that the tags are all visible, the certificates shall simply tell the number of hides and the fact that they are officially tagged. No inspector shall issue such certificate in the case of dressed carcasses, with the hides thereon, or the shipment and trans-

Inspection
before
slaughter.

portation of hides, until the official tag has been attached. One copy of said certificate of inspection shall accompany said shipment and the other copy shall be sent to the consignee forthwith.

2. No cattle except cattle shipped for slaughter and which have been inspected as herein provided prior to shipment shall be slaughtered until they shall have been inspected as herein provided, and any slaughterer claiming the right to slaughter cattle because of an inspection at time of shipment, shall keep on file and produce on demand, the certificate of inspection thereof, made and forwarded to him at the time of shipment; *provided*, that any person licensed hereunder to slaughter cattle, after twenty-four hours notice in writing addressed to the local inspector demanding his presence at a specified time and place for the purpose of inspecting such cattle for slaughtering, may, without the certificate of inspection, slaughter said cattle, providing he makes a written statement specifying in detail the earmarks and brands, number and sex, of such animal or animals and mails the same immediately to the director; *and provided, further*, that he retain the hides of such animal or animals until inspected, and tagged as herein provided.

E-strays.

Sec. 8. 1. Any bovine animal presented for inspection, either before shipment or slaughter and which is not claimed by the consignor or the consignee or which does not bear the brand and earmark of the person presenting the same for inspection and is not accompanied by a bill of sale to the party presenting the same for shipment from the holder of the brand or earmark upon the same is hereby declared to be an estray, and shall be taken by the inspector and proceedings shall be had as provided by law for estrays; *provided, however*, that the proceeds from the sale of said cattle, after paying the costs thereof, shall be paid to the director of agriculture, who shall make a record of the same showing the marks and brands and other means of identification of such animals giving the amount realized from the sale of the same. All moneys received by the director of agriculture for the sale of estrays shall be kept in the hands of the director of agriculture aside from other funds, and shall be known as the "estrays fund," and shall be so held by the director of agriculture until paid to the owner of the said estray. If, after the expiration of one year from date of such sale no claim is made, said money shall be paid over to the state treasurer and by him credited to the cattle protection fund.

2. Whenever an inspector finds the hide of a bovine animal in the possession of any person whom he has reason to believe is not the legal owner thereof he shall notify said person to retain possession thereof for the purpose of further inspection and investigation for at least thirty days, and no person shall be permitted to sell, ship, give away or transport, or otherwise dispose of the hide of a bovine animal within thirty days after receiving such instruction from an inspector under this act.

SEC. 9. 1. It shall be the duty of said director to prepare volumes for the recordation of said marks and brands, and to keep a true record of all official transactions. When cattle or the hides thereof have been shipped or slaughtered, a record thereof must be filed in such manner as to disclose under the record the particular mark and brand, the number of cattle and hides bearing such marks and brand which have been shipped or slaughtered. Recordation of marks and brands.

2. All moneys received by any inspector, deputy, servant or employee, shall be forwarded to said director at least bi-weekly. Report of moneys.

3. The director, at least once each month, shall report to the state controller the total amount of moneys collected for fees, penalties, judgments or otherwise, and at the same time or oftener, he shall pay into the state treasury the entire amount of such receipts. All moneys received by the director shall be paid to the controller and credited to the cattle protection fund, which fund is hereby created, and shall be held subject to the uses of and for the purpose of enforcing the provisions of this act. One thousand dollars of this fund may be used as a revolving fund, subject to the approval of the state board of control. All moneys in the state treasury deposited to the credit of the cattle protection fund under the approved provisions of the act of May 28, 1917, as heretofore existing shall be merged with and become a part of the cattle protection fund created under this act.

SEC. 10. 1. The term "tag" wherever used herein shall mean the official tag for hides provided in section four of this act. Terms defined.

2. The term "person" wherever used includes every person, persons, firm, association or corporation.

3. The term "cattle" wherever used herein includes every kind of animal of the bovine species.

4. A civil action may be brought by the director to recover any fee, penalty or other money that may become due hereunder.

5. Any person, who, as servant, employee, or otherwise, assists another in the performance of any act in violation of the provisions hereof, shall be punishable therefor to the same extent as if acting as principal.

6. Any person violating any provision of this act, shall, unless otherwise provided herein, be guilty of a misdemeanor. Penalty.

7. All acts and parts of acts in conflict herewith are hereby repealed. Repealed.

8. It is declared to be the intention of the legislature to enact each subdivision of each section irrespective and independently of every other subdivision or every section and that if any subdivision of any section thereof be declared unconstitutional all of the other subdivisions are intended to remain in full force and effect. Constitutionality.

9. All brands recorded and all licenses issued under the provisions of chapter six hundred seventy-eight, entitled "An act to create a cattle protection board, to define its powers and

duties, to protect the breeders and growers of cattle from theft, to provide for the registration of cattle brands and the licensing of cattle slaughterers and sellers of the meat thereof, to provide for the inspection of cattle and cattle hides for brands and marks, to provide for the collection of license and inspection fees, to provide for the creation of a fund to be known as the cattle protection fund, and to provide penalties for violation of the provisions hereof," and amendments thereto, under the approved provisions of the act of May 26, 1917. are hereby continued in full force and effect under the provision of this act.

CHAPTER 726.

An act providing for notice to the director of agriculture, of the proposed sale of estray, branded, bovine animals, providing a means for identifying estray animals, and declaring certain sales of such estrays null and void.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Notice to
director of
agriculture
of sale of
estrays.

SECTION 1. No branded, bovine animal shall be sold under the provisions of the estray laws of this state, or any of the subdivisions thereof, until the justice of the peace, before whom such proceedings are being had, shall have first notified the director of agriculture of the state department of agriculture, at least ten days before such sale by registered letter, of the age, color, sex, and all marks and brands on such estray animal, the name of the person in possession of the same and the time and place where such sale is to be had, and the returned receipt from such registered letter shall have been returned to said justice of the peace and made a part of the proceedings in said sale. A copy of such notice shall be publicly read at the time of said sale, and a copy thereof given to each purchaser at said sale at the time of the consummation thereof.

The director of agriculture shall immediately cause a search to be made of the brand records on file in his office for the purpose of ascertaining ownership of such brands and marks as shown on the animal offered for sale. If he finds such brands and marks recorded on said files, he shall immediately by registered letter notify all persons recording such brands and marks, of the time and place of sale of such estray animal. Any sale not in conformity with the provisions of this act shall be null and void.

CHAPTER 727.

An act for the prevention, eradication and control of insect pests and diseases affecting grapes, defining the powers and duties of the director of agriculture in relation thereto.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. To prevent the spread of the insect known as the grape mealybug, the director of agriculture is hereby authorized to declare any portion of the state where the grape mealybug may be found to exist, to be a grape mealybug infested district by prescribing the boundaries thereof in a proclamation setting forth said fact and such boundaries and by having a copy of same printed in one or more papers in the county or counties in which said infested district exists.

SEC. 2. The director of agriculture is hereby authorized to prescribe rules and regulations not in conflict with the laws of the state for the purpose of preventing the spread of the grape mealybug.

SEC. 3. It shall be unlawful for any person, firm or corporation to move or ship any grapes, picking boxes, trays or other vineyard appliances from or within any grape mealybug infested district as herein defined, except in accordance with the rules and regulations of the director of agriculture issued under authority of this act; *and it is further provided*, that any treatment of picking boxes, trays or other vineyard appliances which may be required by the rules and regulations of the director of agriculture shall be at the expense of the owner or owners, their agent or agents, or persons in charge of or possessing the same at the time of treatment; *and it is further provided*, that the county horticultural commissioner in any county in which such a grape mealybug infested district shall be proclaimed shall aid in carrying out the provisions of this act or any rules and regulations made hereunder upon request by the director of agriculture in writing.

SEC. 4. The director of agriculture is hereby directed and empowered to make whatever study may be necessary to determine the most effective methods of control of the grape mealybug, grape phylloxera, and black mildew.

CHAPTER 728.

An act providing for the control and destruction of predatory wild animals, making an appropriation therefor, and repealing acts authorizing the payment of bounties on such animals.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Control of
predatory
wild
animals.

SECTION 1. The state director of agriculture may employ hunters and expert trappers throughout the State of California for the purpose of controlling and eradicating coyotes and other harmful predatory animals. For the purpose of carrying on this work he may enter into contracts with the bureau of biological survey of the United States department of agriculture in order to enlist the support of the federal government, and to prescribe the manner, terms, and conditions of such cooperation for the seventy-third and seventy-fourth fiscal years.

Appropriation.

SEC. 2. Out of any money in the state treasury not otherwise appropriated, the sum of fifty thousand dollars is hereby appropriated to carry out the purposes of this act.

Acceptance
of
donations.

SEC. 3. The director of agriculture is hereby authorized to accept on behalf of the state donations of money from individuals, associations, corporations, county boards of supervisors, and other agencies interested in the control of coyotes and other harmful predatory animals, all such moneys to be paid into the state treasury and credited to the predatory animal control fund, which fund is hereby created, to be expended only in the control of coyotes and other harmful predatory animals in accordance with the terms and conditions fixed by the director of agriculture. Moneys thus made available by any county board of supervisors shall be expended solely within the boundaries of the county making the appropriation, unless otherwise authorized by the supervisors of that county. All donations made by individuals, associations or corporations shall be applied to the particular locality in one or more counties where such donors are interested unless said donors specifically consent to its use in other localities.

Repealed.

SEC. 4. All acts and parts of acts in conflict herewith which authorize the payment of bounties on coyotes and other harmful predatory animals are hereby repealed; *provided, however*, that nothing herein shall be deemed to repeal any provision of law authorizing the payment of bounties on mountain lions.

CHAPTER 729.

An act to regulate the manufacture, sale, and use of economic poisons; to prevent the adulteration, misbranding, and misrepresentation of economic poisons; to provide penalties for the violation thereof; to provide means for its enforcement; and creating the division of chemistry fund.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and referred to as Title of act. "the California economic poison act of 1921."

SEC. 2. It shall be unlawful for any person to manufacture, deliver, or offer to deliver, sell, offer or expose for sale in this state any adulterated or misbranded economic poison which is adulterated or misbranded within the meaning of this act; or to export, or offer to export the same to any foreign country; *provided*, that no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser; but if said article shall be in fact sold, or exposed for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the provisions of this act. Sale of adulterated or misbranded economic poison.

SEC. 3. The director of agriculture shall administer and enforce the provisions of this act and shall make rules and regulations for carrying out the provisions of this act, including the collection and analysis or examination of samples, the registration of manufacturers and dealers, and other procedures not inconsistent with this act. No rule or regulation shall become effective until the expiration of thirty days after it shall have been first promulgated by a proclamation signed by the director of agriculture and published in one or more newspapers and farm journals of general circulation in the State of California and sent to each person registered in compliance with the provisions of this act. Enforcement by director of agriculture.

SEC. 4. The director of agriculture, in person or by his agents, shall take samples of economic poisons, make analysis or examination thereof, and make investigation concerning the use, sale, adulteration or misbranding of economic poisons at such times and to such extent as are necessary for the full enforcement of this act. Investigations by director.

SEC. 5. The results of examination or chemical analysis official samples of economic poisons shall be published by the director, and such additional information as to him may seem advisable. Publication of results.

SEC. 6. When the director of agriculture becomes cognizant of the apparent violation of any of the provisions of this act or of any of the rules and regulations promulgated there- Notice of violation.

under, it shall be his duty to cause notice of such fact, together with a copy of the findings, to be given to the person suspected of violating the law. The person notified shall be given an opportunity to be heard under such rules and regulations as may be promulgated for that purpose.

Terms defined.

SEC. 7. The term "economic poisons" as used in this act shall include any substance, or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all insects, fungi, weeds, rodents, or other plant or animal pest, collectively or individually, which may infest or be detrimental to vegetation, man or other animals or households, or be present in any environment whatsoever.

The term "insect" as used in this act is defined as any of the small invertebrate animals known as insecta and similar forms of animal life such as centipedes, lice, and other animals of these classes.

The term "fungi" as used in this act is defined as all rusts, smuts, mildews, molds, yeasts, bacteria, and similar forms of plant life.

The term "weed" as used in this act is defined as any plant which grows where not wanted.

The term "rodent" as used in this act is defined as all members of the order *Rodentia* and all rabbits and hares.

The term "other plant or animal pest" as used in this act shall include any form of plant or animal life which the director of agriculture may by rules and regulations declare to be a pest.

For the purpose of this act an economic poison shall be deemed to be adulterated:

Adulterated poison.

First—If its strength or purity shall fall below the standard or quality under which it is sold; *second*, if any valuable constituent of the article has been wholly or in part abstracted or omitted in its manufacture, or other materials substituted for the same; *third*, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects, fungi, weeds, rodents or other plant or animal pest, shall be seriously injurious to vegetation, except weeds, when used according to the directions recommended and furnished therewith.

For the purpose of this act economic poisons shall be deemed to be misbranded:

Misbranded poison.

First—If the package or label thereon shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading; *second*, if such package or label is falsely branded as to the city, state, territory or country in which the same is manufactured or produced; *third*, if it be an imitation or offered for sale under the name of another article; *fourth*, if it be labeled or branded so as to deceive or mislead the purchaser; *fifth*, if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; *sixth*, if in

package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package; *seventh*, if it consists partially or completely of any inert substance or substances which do not prevent, destroy, repel, or mitigate insects, fungi, weeds, rodents, or other plant or animal pest, and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label; *provided, however*, that in lieu of naming and stating the percentage amount of each and every inert ingredient, the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every active ingredient and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

The word "person" as used in this act shall be construed to mean both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent, or other person acting for any corporation, company, society or association, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person.

SEC. 8. In any prosecution of any agent or dealer under the provisions of section two of this act, the proof that the adulterated or misbranded economic poison which is the basis of said prosecution was guaranteed by the wholesaler, jobber, manufacturer, or any other party from which said economic poison was purchased, to the effect that the same is not adulterated or misbranded within the meaning of this act, shall be a full and complete defense thereto. Guaranty.

SEC. 9. Every lot, parcel, or package of economic poison sold, offered or exposed for sale, within this state, shall be accompanied by a plainly printed label, stating the name, brand or trademark, if any there be, under which the economic poison is sold, the name and address of the manufacturer, importer, or dealer, and the place of manufacture. Label.

SEC. 10. The provisions of this act shall not apply to the sale of any of the preparations, drugs and chemicals of the United States Pharmacopœia or National Formulary when used or sold for medicinal or toilet purposes which conforms to the standard and tests prescribed in the latest edition of the United States Pharmacopœia or National Formulary, nor shall the provisions of this act apply to the sale of any medicinal or toilet preparations or substance guaranteed under the United States pure food and drugs act of June 30, 1906, and the California pure food and drugs act, Statutes of California for 1907, chapter one hundred eighty-seven, and manufactured and sold exclusively for toilet and medicinal purposes. Exceptions.

SEC. 11. The director of agriculture shall upon the receipt of a sample of economic poison, accompanied by the required fee, cause such analysis, examination or test to be Analysis of samples.

made thereof, as will substantially establish the conformity or nonconformity of said sample to the guarantee under which it is sold or to be sold, and shall inform the sender thereof the results of all such analysis, examination or test. The schedule of all fees required for such analysis, examination or test, shall be determined by the director of agriculture and shall be a part of the rules and regulations provided for in section three hereof. All fees collected in such manner shall be applied as provided for in section seventeen hereof.

Certificate of
registration.

SEC. 12. Every manufacturer, importer, agent of, or dealer in any economic poison, except as hereinafter provided, shall, before the same is offered for sale, obtain a certificate of registration from the director of agriculture authorizing the manufacture and sale of economic poisons in this state. Every manufacturer, importer, agent of, or dealer in economic poisons, except county, state and federal officials or employees selling the same at cost, and further excepting any person manufacturing an economic poison or poisons intended to be used in households or their immediate environments, which economic poisons do not exceed a total retail value of five hundred (500) dollars per annum before obtaining such registry, shall pay to the director of agriculture the sum of fifty (50) dollars to be applied as provided for in section nineteen of this act, and shall file a statement of the brands, trademarks, and kinds of economic poisons intended to be manufactured or offered for sale, together with a statement of the correct names and percentage amounts of each and every active ingredient and the total percentage of inert ingredients contained therein; or in lieu of stating the correct names and percentage amounts of each and every active ingredient and the total percentage of inert ingredients contained therein, may deliver to the director of agriculture or his agent a representative sample not less than one pound in weight of each economic poison desired to be registered.

Additions or corrections to the above statements may be made at any time during the period of registration without additional charge upon notifying the director of agriculture together with a statement of the correct names and percentage amounts of each and every active ingredient and the total percentage of inert ingredients contained therein, or in lieu of such statement delivering to the director of agriculture or his agent a representative sample of not less than one pound in weight of each additional economic poison desired to be registered or for which corrected statement is desired to be made. Such registration shall expire on the thirtieth day of June of the fiscal year for which it was given; *provided*, the provisions of this section shall not apply to the sale, by an agent or dealer, of any economic poison which is registered by the manufacturer or wholesaler thereof as herein provided, nor to the sale of raw material to manufacturers to be used in the preparation of economic poisons.

When any manufacturer, importer, agent of, or dealer in economic poisons having fully complied with the provisions of this act and the rules and regulations as provided for therein makes application for registration, the director of agriculture shall without unnecessary delay cause the same to be registered and issue a license to the applicant authorizing the manufacture and sale of economic poisons in the state.

It shall be unlawful for any person, firm, or corporation to manufacture, deliver, offer to deliver, sell, offer for sale, or expose for sale any economic poison not registered and described as provided for in this section.

SEC. 13. All persons charged with the enforcement or execution of any of the provisions of this act shall not directly or indirectly be interested in the sale, manufacture or distribution of any economic poison affected by this act.

SEC. 14. The director of agriculture shall have the power after hearing, as provided for in this act, to cancel or to refuse to register any economic poison which has been shown to have little or no value for the purpose for which it is intended to be used, or has been shown to be generally detrimental or seriously injurious to vegetation (except weeds), to domestic animals, or to public health, when properly used. Said director shall also have the power to cancel the registration of, or refuse to register, any manufacturer, importer, agent of, or dealer in economic poisons who repeatedly violates any of the provisions of this act, or rules and regulations which shall be made for carrying out the provisions of this act.

Cancellation
or refusal of
registration.

SEC. 15. Any economic poison that is condemned as being adulterated, or misbranded within the meaning of this act, or detrimental to agriculture or to the public health shall be seized and disposed of in such manner as the court, after notice to all interested parties and hearing, may direct.

Disposal of
seized
poisons.

SEC. 16. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Penalty.

SEC. 17. The director of agriculture shall, at least once each month, report to the state controller the amount of fees and moneys collected, and, at the same time, he shall pay into the state treasury the entire amount of such receipts. All such receipts shall be credited to the division of chemistry fund, which fund is hereby created, and shall be held subject to the uses of the division of chemistry, state department of agriculture.

Report of
moneys.

The division of chemistry fund shall also include all funds remaining in the state treasury when this act becomes effective, which have been collected under the provisions of an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act," as amended, approved March 20, 1903, and all fees and moneys which shall be hereafter collected under said act

shall also be paid into said fund and held subject to the uses of said division of chemistry.

Constitution-
ality.

SEC. 18. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Repealed.

SEC. 19. An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes and to provide penalties for the infraction thereof, chapter six hundred fifty-three, California Statutes of 1911, approved May 1, 1911, and all amendments thereto and all other acts in conflict with this act are hereby repealed.

CHAPTER 730.

An act to control the spread of the walnut codling moth, to regulate the movement of and treatment of any shipment of walnuts, sacks, trays and other orchard appliances into or from any premises or districts known to be infested with walnut codling moth and to confer power on the director of agriculture to prescribe rules and regulations for such or other control of said pest and to provide a penalty for the violation thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Walnut
codling
moth
district.

SECTION 1. To prevent the distribution of and effect control of the walnut codling moth, the director of agriculture is hereby authorized to declare any portions of the State of California known to be infested with the walnut codling moth to be a walnut codling moth district by prescribing the boundaries thereof in a proclamation setting forth said fact and such boundaries, and having a copy of same printed in one or more papers of general circulation in said infested district.

SEC. 2. The director of agriculture is hereby authorized to prescribe rules and regulations governing the movement of and the treatment of any shipment of walnuts, sacks, trays or other orchard appliances within or from any such infested district; *it is further provided*, that any treatment of walnut sacks or other containers or orchard appliances which may be required to carry out the provisions of this act or regulations issued hereunder shall be at the expense of the owner or owners, their agent or agents, or persons

having charge of, or possessing same, at the time of treatment.

SEC. 3. It shall be unlawful for any person, firm or corporation to move or ship any walnuts, sacks, trays, or other orchard appliances within or from any infested district as herein defined except in accordance with the provisions of this act or regulations issued hereunder, or to fail to treat any walnuts, sacks, trays or other orchard appliances to destroy any such infestation in such manner as may be prescribed hereunder by the director of agriculture by regulation.

SEC. 4. Any person, firm, corporation, company or organization who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor. Penalty.

SEC. 5. That certain act entitled "An act making an appropriation for the purpose of determining and applying control measures to combat the spread of the walnut codling moth," approved May 27, 1919, statutes of 1919, page 1212, is hereby repealed. Stats. 1919, p. 1212, repealed.

CHAPTER 731.

An act to amend section twenty-nine of an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911, as amended, and to repeal all acts and parts of acts inconsistent with this act.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section twenty-nine of an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomar- Stats. 1915, p. 333, amended.

garine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor.' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911, as amended is hereby amended to read as follows:

Definitions
and
standards.

Sec. 29. Milk and the products of milk enumerated in this section shall be deemed adulterated within the meaning of this act if it or they shall not conform to the following definitions and standards:

MILK.

(1) Milk is the fresh, clean, lacteal secretion all parts of which within forty-eight hours, if raw, and within sixty hours, if pasteurized, last prior to its delivery to the consumer or purchaser shall have been obtained from the udder by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and contains not less than three per cent of milk fat, and not less than eight and five-tenths per cent of solids not fat.

Skim
milk.

(2) Skim milk is milk from which a part or all of the cream has been removed and contains not less than eight and eight-tenths per cent of milk solids.

Condensed
milk.

(3) Condensed milk or evaporated milk, is milk from which a considerable portion of water has been evaporated. The standard of purity of condensed milk and evaporated milk shall be that proclaimed and established by the secretary of the United States department of agriculture.

Condensed
skim milk.

(4) Condensed skim milk is skim milk from which a considerable portion of water has been evaporated, and contains not less than eighteen per cent of milk solids.

Cream

(5) Cream is that portion of milk, rich in milk fat which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean and contains not less than eighteen per cent of milk fat.

Evaporated
cream

(6) Evaporated cream, or clotted cream, is cream from which a considerable portion of water has been evaporated.

Milk fat.

(7) Milk fat, or butter fat, is the fat of milk and has a Reichert-Meissl number not less than twenty-four and a specific gravity not less than .905 (40 degrees C.).

Butter.

(8) Butter is the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and a harmless coloring, and contains not less than eighty per cent of milk fat.

Cheese.

(9) Cheese is the sound, solid, and ripened product made from milk or cream, by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening

ferments and seasoning, and with or without salt and harmless coloring matter. All cheese marked "full cream cheese," or "full milk cheese," must contain in the water-free substance, not less than fifty per cent of milk fat. All cheese marked "half skim cheese," must contain in the water-free substance not less than twenty-five per cent of milk fat. All cheese not plainly marked or branded as to its quality must contain in the water-free substance not less than fifty per cent of milk fat. The percentage of moisture in cheese shall be that established and proclaimed by the director of agriculture.

(10) Buttermilk is that portion of the cream which remains after the separation and removal therefrom of the butter fat in the process of churning, without the addition of water. Buttermilk.

(11) Ice cream is the frozen product, made from pure sweet milk or condensed milk or cream and sugar with or without a harmless flavoring or coloring, and contains not less than ten per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin. Ice cream.

(12) Fruit ice cream is the frozen product made from pure, sweet cream, sugar, and sound, clean, mature fruits, and contains not less than eight per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin. Fruit ice cream.

(13) Nut ice cream is the frozen product made from pure, sweet cream, sugar, and sound, nonrancid nuts, and contains not less than eight per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin. Nut ice cream.

(14) Ice milk is the frozen product, containing less fat than ice cream, and made from pure, sweet milk and sugar, with or without a harmless flavoring or coloring, and contains not less than two and four-tenths per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin. Ice milk.

(15) The process of pasteurization, as applied to milk, skim milk, cream and milk products, is hereby defined to be a process for the elimination therefrom of organisms harmful to human beings, which process shall consist of uniformly heating such milk, skim milk or cream, as the case may be, to a temperature of not less than one hundred forty degrees Fahrenheit and of holding the same at the said temperature for a period of not less than twenty-five minutes, and immediately thereafter of cooling the same to a temperature of not above fifty degrees Fahrenheit; *provided*, that when cream is pasteurized to be used and is used in the manufacture of butter, or when milk is pasteurized to be used and is used in the manufacture of cheese, and where the process of ripening or starting in each case is to be commenced immediately, then it shall not be required that such cream or milk be cooled to a lower degree than is necessary for such ripening or starting. Milk for drinking purposes shall not be heated for more than one Pasteurization.

hour nor above one hundred forty-five degrees Fahrenheit. Cream that is to be manufactured into butter may be pasteurized by heating above one hundred forty-five degrees Fahrenheit, and when the same is uniformly heated to and held at a temperature above one hundred fifty-one degrees Fahrenheit, the time for holding may be decreased from twenty-five minutes by one minute for each degree of temperature over one hundred fifty-one degrees Fahrenheit.

All pasteurized cream or milk used in the manufacture of pasteurized butter and cheese, respectively, shall be pasteurized at and in the plant where such butter or cheese, as the case may be, is manufactured therefrom. If milk is repasteurized it must not be sold for human consumption. It must be heated to a higher temperature than necessary for pasteurization and delivered in a distinctive container, plainly marked with the words "not suitable for human consumption," in letters not less than one-quarter inch in length and one-twelfth inch in stroke.

Apparatus
to be kept
clean.

All apparatus used for the pasteurization of milk, skim milk or cream shall be kept in strictly clean and sanitary condition and every pasteurizing plant shall be equipped with sufficient recording thermometer devices to accurately record the temperature to which, and the length of time for which the pasteurized product has been heated. All recording thermometer devices used in the pasteurization of any such milk, skim milk or cream must be approved by and at all times subject to the approval of the state department of agriculture. All persons, firms or corporations using pasteurizing apparatus within the State of California shall preserve and keep on file, for a period of not less than two months after the same are made, all records made by such thermometer, or in lieu of such preservation may deliver such records to any public officer authorized by law or ordinance to receive the same, and said records shall, at all times, be open to the inspection of the state department of agriculture, state board of health and of all other state, county and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health.

Goat's
milk.

(16) Goat's milk is the fresh, clean, lacteal secretion, free from colostrum, obtained by the complete milking of one or more goats properly fed and kept.

Sheep's
milk.

(17) Sheep's milk or ewe's milk is the fresh, clean lacteal secretion, free from colostrum, obtained by the complete milking of one or more sheep properly fed and kept.

CHAPTER 732.

An act to provide for the sanitary inspection of slaughtering houses; the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, and to provide for the penalty for the violation thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the California meat Title of act. inspection law.

SEC. 2. The director of agriculture is hereby given super- Supervision by director of agriculture. vision over all establishments used in the business of slaughtering and preparing animals for food purposes in the State of California, except all establishments slaughtering and preparing animals for food products under the supervision of an inspection department, of any chartered or incorporated city, or city and county, whose inspection is performed by persons employed who have passed a regular civil service meat or market inspector's examination, or where inspection is maintained by the bureau of animal industry of the United States department of agriculture, or under and in accordance with a county meat inspection ordinance and he is empowered and directed at any and all times to visit any establishment, place, or premises where animals are slaughtered or prepared for food purposes, as well as all retail meat markets, meat canneries, sausage factories, curing and smoke houses, and similar places, for the purpose of determining the wholesomeness and healthfulness of animals slaughtered for food purposes, meats, and meat food products intended for human consumption and the sanitary conditions of buildings, drainage, sewage, cleanliness, equipment, utensils, employees, clothing, water supply, and disposal of refuse, and he is further authorized and empowered to provide suitable rules and regulations to insure a healthful, wholesome, and safe meat supply for the State of California.

SEC. 3. For the purpose of this act, the director of agri- Inspectors. culture of California is authorized to employ persons who have passed a civil service meat or market inspector's examination and found skilled in the inspection of meats and meat food products for wholesomeness and healthfulness, necessary additional employees and equipment as required, and he is authorized to utilize and employ in the enforcement of this act any employee or agent of the state department of agriculture.

SEC. 4. No animal shall be slaughtered for food purposes Hours for slaughtering. in the State of California except between the hours of seven o'clock a. m. and eight o'clock p. m. of any one week day, and slaughtering is forbidden on Sundays and legal holidays

unless a special permit in writing is issued by the director of agriculture, or his authorized agent.

Ante-mortem inspection.

SEC. 5. When it is deemed necessary, in order to safeguard the public health, the director shall cause to be made an ante-mortem inspection of any cattle, sheep, swine, or other animals before being slaughtered for food purposes. Such inspection shall be made prior to slaughter and satisfactory facilities shall be provided for conducting such examinations and separating from the passed animals those deemed unfit for immediate slaughter, and if any owner or person in charge is about to slaughter for food purposes any animal or animals, which the department of agriculture believes may be affected with disease, said director shall notify the owner or person in charge of said animals to refrain from slaughtering them for food purposes until the previously mentioned ante-mortem examination shall be completed, and any owner or person slaughtering animals for food purposes after notification by the director to hold them for ante-mortem examination by said director shall be guilty of a misdemeanor; *provided, however,* that no owner or person shall be required to refrain from slaughtering animals for a period longer than seventy-two hours.

Post-mortem inspection.

SEC. 6. The director is authorized to provide postmortem inspection of all animals slaughtered for food purposes in any or all establishments in the State of California, if he deems the same necessary in order to safeguard the public health, and the head, tongue, tail, thymus glands, viscera, and other parts and blood used in the preparation of meat food, meat food products, or medicinal products shall be retained in such a manner as to preserve their identity until after the postmortem examination has been completed. Carcasses and parts thereof found to be sound, healthful and wholesome after inspection, fit for human food shall be passed and may be marked in the following manner: "Cal. inspected and passed." This mark may also include any number given the establishment. Each carcass or part thereof which is found on postmortem inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food shall be marked conspicuously by the inspector at the time of inspection with the words, "Cal. inspected and condemned." and such carcasses or parts thereof, under the supervision of the inspector, shall be rendered unfit for human consumption in a manner approved by the director of agriculture.

Continuous inspection service.

SEC. 7. Any person, firm, or corporation engaged in the slaughtering of cattle, sheep, swine, or other animals for food purposes, desiring to maintain continuous or part time inspection service in the establishment, in order to have the healthfulness of the meat and meat food products certified to, may make application for the inauguration of a continuous inspection service in such establishment. Such application shall be in writing addressed to the department of agriculture, division of animal industry, of California on blanks which shall be

furnished by said department of agriculture. In such application the applicant for inspection shall agree to comply with the provisions of this act and to maintain said establishment in a clean and sanitary manner. Upon receipt of said application the director of agriculture shall make an inspection of said establishment and if found clean and sanitary, and properly equipped to conduct its business in accordance with the rules and regulations of the department of agriculture, he shall inaugurate an inspection service therein, and shall give to such establishment an official number, and this number shall be used to mark the meat and meat food products of the establishment as provided in this section. Such an establishment shall thereafter be known as "official establishment No. _____," and such establishment shall pay for such inspection service a fee in the amount designated by the director of agriculture. All such fees payable to the department of agriculture shall be credited to the meat hygiene fund, which fund is hereby created, to be utilized in the payment of salaries of inspectors. All such fees shall be paid during the first week of January, April, July and October of each year, and shall be paid in advance for the ensuing three months in amounts designated by said director. The total amount of said fees collected shall be reported at least once each month to the state controller, and at the same time, the entire amount of such receipts shall be paid into the state treasury.

SEC. 8. The dressed carcasses of all animals intended for human consumption, parts thereof, meats, or meat food products inspected and marked in accordance with sections five and six of this act shall be permitted to be sold and offered for public consumption in the State of California, and any subdivision thereof without restriction, except that imposed upon meat or meat food products bearing the inspection stamp of the United States department of agriculture.

SEC. 9. It shall be unlawful for any firm, person, or corporation, except employees of the state department of agriculture, to have in possession, keep, or use any mark, stamp, or brand provided or used for marking, stamping, or branding the carcass of any animal intended for food purposes, parts thereof, meats, or meat food products, or to have in possession, keep, or use any mark, stamp, or brand having thereon a device or words the same or similar in character or import to the marks, stamps, or brands provided or used by said department of agriculture for marking, stamping, or branding carcasses of animals intended for food purposes, parts thereof, meats, or meat food products.

SEC. 10. The director of agriculture shall from time to time provide rules and regulations necessary for the efficient execution of the provisions of this act, and all inspections and examinations made under this act shall be made in such a manner as described in the rules and regulations provided by said director not inconsistent with the provisions of this act; *provided, however*, that in such rules and regulations said director shall be

guided by the rules governing meat inspection of the United States department of agriculture.

Insanitary
slaughter-
house.

SEC. 11. It shall be unlawful for any person, firm, or corporation to maintain, or operate a slaughtering house, which is unclean or insanitary.

Penalties.

SEC. 12. Any person, firm or corporation engaged in the business of slaughtering and preparing animals for food purposes, or preparing or retailing meats, or meat food products, or manufacturing sausage, or operating meat canneries, curing or smoking rooms, or any owner or person in charge of any animal intended for slaughter for food purposes violating any of the provisions of this act, or the rules and regulations promulgated by the director of agriculture for its enforcement shall be deemed guilty of a misdemeanor.

Constitution-
ality.

SEC. 13. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 733.

An act to authorize the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, for the single object of creating a fund to carry out the provisions of the land settlement act, approved June 1, 1917, and of any and all acts amendatory thereof or supplemental thereto; to provide ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; to create a state land settlement finance committee the members of which are to serve without compensation: to define the powers and duties of said state land settlement finance committee and of other state officers in relation to this act; to appropriate money for the expense of preparing and of advertising the sale of the bonds herein authorized to be issued; and to provide for the submission of this act to a vote of the people at the general election to be holden in the month of November, 1922.

[Approved June 3, 1921. In effect—see section 14.]

The people of the State of California do enact as follows:

Debt for
furthering
land
settlement
authorized.

SECTION 1. For the purpose of creating a fund to carry out the provisions of the land settlement act, approved June 1, 1917, and of any and all acts amendatory thereof or supple-

mental thereto, the object of which acts is to provide employment and rural homes for soldiers, sailors, marines and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against the central powers and have been repatriated, and who have been honorably discharged, to promote closer agricultural settlement, to assist deserving and qualified persons to acquire small improved farms, to demonstrate the value of adequate capital and organized direction in subdividing and preparing agricultural land for settlement, and to provide homes for farm laborers, the state land settlement finance committee created by this act, to wit, in section ten hereof, shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

SEC. 2. After the issuance of the proclamation of the governor provided for in section sixteen of this act, and immediately after adoption of any resolution by the state land settlement finance committee hereby created, provided for in section eleven of this act, the state treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of three million dollars, and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said state land settlement finance committee and specified in such resolution, but in no case exceeding six per cent per annum. Both principal and interest shall be payable in gold coin of the United States, of the present standard of value, at the office of the state treasurer, or at the office of any duly authorized agent of the state treasurer, and shall be so payable at the times specified in said resolution or resolutions.

All bonds issued under this act shall bear the signature of the governor and the facsimile countersignature of the controller and shall be endorsed by the state treasurer either by original signature or by signature stamp adopted for each particular bond issue under this act, and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The said bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this

Preparation
of bonds.

Aggregate
par value.

Signatures.

act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof, and referring to this act and to the resolution of the state land settlement finance board hereunder by virtue of which said bond is issued.

Interest coupons.

SEC. 3. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this act. Said interest coupons shall bear the facsimile signature of the state treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

Payment on maturity.

SEC. 4. All bonds issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the state treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the controller's warrants drawn in his favor as provided in section five hereof and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the state treasurer.

Annual appropriation to pay principal and interest.

SEC. 5. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this act, as said principal and interest becomes due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the general fund in the state treasury, all of the moneys subject to and available for the use of the state land settlement board not in excess of the principal of and interest on the bonds, then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the general fund in the state treasury as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity

until so returned, at the rate of five per cent per annum, compounded semiannually.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn by the controller of the state in favor of the state treasurer or in favor of any duly authorized agent of the state treasurer, upon demands audited by the state board of control, and the moneys to be returned into the general fund in the state treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the controller of the state upon demands duly audited by the state board of control.

SEC. 6. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared and advertising their sale. Said amount shall be refunded to the general fund of the state treasury out of the land settlement fund in accordance with the provisions of this act on controller's warrant duly drawn for that purpose.

Appropriation for preparation of bonds.

SEC. 7. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the state land settlement board and approved by the governor of the state; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the governor, he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Sale to highest bidder.

SEC. 8. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in one newspaper published in the city and county of San Francisco and also by publication in one newspaper published in the city of Oakland and by publication in one newspaper published in the city of Los Angeles and by publication in one newspaper published in the city of Sacramento once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer

Notice of sale of bonds.

Proceeds.

into the land settlement fund in the state treasury and must be used exclusively to provide employment and rural homes for soldiers, sailors, marines and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against the central powers and have been repatriated, and who have been honorably discharged, to promote closer agricultural settlement, to assist deserving and qualified persons to acquire small improved farms, to demonstrate the value of adequate capital and organized direction in subdividing and preparing agricultural land for settlement, and to provide homes for farm laborers, in accordance with the provisions of the land settlement act, approved June 1, 1917, and of any and all acts amendatory thereof or supplemental thereto; *provided*, that the said land settlement board must pay over to the general fund of the state from the proceeds of the sale of bonds all money which has been heretofore or may be hereafter appropriated and advanced out of the general fund of the state treasury for the use of the state land settlement board on condition that it shall be so paid over; *provided, further*, that the said state land settlement board may, out of the proceeds from the sale of said bonds, pay all or any part of any indebtedness heretofore by it incurred in accordance with law and remaining unpaid, including the interest accrued thereon, unless the rate of interest applying to such indebtedness is less than the rate of interest applying to the said bonds; *and provided, further*, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

Investment
of surplus
moneys.

SEC. 9. The state land settlement board shall be and hereby is authorized, with the approval of the state board of control, to invest any surplus moneys in any of the funds subject to or appropriated for its use in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the state board of control.

State land
settlement
finance
committee.

SEC. 10. There is hereby created a state land settlement finance committee composed of the governor, state controller, state treasurer, chairman of the state board of control, and chairman of the state land settlement board, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. The attorney-general of the state shall be the legal advisor of the state land settlement finance committee.

Upon request of the state land settlement board, supported by a statement of the plans and projects of the state land settlement board with respect thereto, the state land settlement finance committee shall determine whether or not a bond issue under this act is necessary or desirable to carry such plans and projects into execution.

SEC. 11. Whenever the said state land settlement finance committee shall have determined that a bond issue under this act is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the state treasurer to prepare the requisite number of suitable bonds and shall specify:

Resolution
of
committee
authorizing
bond issue.

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts, and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the state land settlement finance committee shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the state land settlement board from the project or projects to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, and be commensurate, as nearly as practicable, with the dates and amounts of such estimated revenues; *provided*, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance thereof; *provided, further*, that specified numbers of bonds of specified numerical sequence shall thereafter mature at annual intervals; *and provided, further*, that the bonds last to mature in each issue shall mature not later than forty-five years from the date of issuance thereof.

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the state land settlement finance committee according to the then prevailing market conditions, but shall in no case exceed six per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; *provided*, that the interest coupon first payable may, if the state land settlement finance committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

Expenses of
committee.

SEC. 12. All actual and necessary expenses of the state land settlement finance committee and of the members thereof shall be paid out of the land settlement fund, upon approval of the state board of control and on controller's warrant duly drawn for that purpose, and shall constitute expenses of the state land settlement board.

Report of
proceedings.

SEC. 13. The state controller, the state treasurer, and the state land settlement finance committee shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney-general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

In effect
when.

SEC. 14. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1922, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Submission
to people.

SEC. 15. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, 1922, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the land settlement bond act of 1921," and in the same square under said words the following in brier type: "This act provides for a bond issue of three million dollars to carry out the purposes of the land settlement act." In the square immediately below the square containing such words, there shall be printed on said ballot the words: "Against the land settlement bond act of 1921" and in the same square immediately below said words "Against the land settlement bond act of 1921" in brier type shall be printed "This act provides for a bond issue of three million dollars to carry out the purposes of the land settlement act." Opposite the words "For the land settlement bond act of 1921" and "Against the land settlement bond act of 1921," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the land settlement bond act of 1921" and those voting against the said act shall do so by placing a cross opposite the words "Against the land settlement bond act of 1921." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 16. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same

manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 17. It shall be the duty of the secretary of state in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, 1922; the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose and shall be refunded to the general fund out of the land settlement fund in accordance with this act.

SEC. 18. This act may be known and cited as the "Land TITLE settlement bond act of 1921."

SEC. 19. All acts and parts of acts in conflict with the Repealed. provisions of this act are hereby repealed.

CHAPTER 734.

An act making an appropriation for the purpose of carrying out the provisions of "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, and any and all acts amendatory thereof or supplemental thereto.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. For the purpose of carrying out the provisions of "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, and any and all acts amendatory thereof or supplemental thereto, the sum of seven hundred fifty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, which sum shall be placed in and constitute a part of the land settlement fund, and is calculated to be returned to the general fund in the state treasury within a period of fifty years from the date of this appropriation going into effect, with interest at the rate of four per cent per annum on so much thereof as shall be withdrawn from said land settlement fund from the time of such withdrawal until returned into the said land settlement fund or until returned into the general fund in the state treasury, as the case may be. The state controller is hereby authorized and directed to draw

Appropriation:
Land settlement.

warrants upon the land settlement fund from time to time upon demand of the state land settlement board, approved by the state board of control, and the state treasurer is hereby authorized and directed to pay such warrants; *provided, however*, that in the event of the people of the State of California, approving that certain act entitled, "An act to authorize the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, for the single object of creating a fund to carry out the provisions of the land settlement act, approved June 1, 1917, and of any and all acts amendatory thereof or supplemental thereto; to provide ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; to create a state land settlement finance committee the members of which are to serve without compensation; to define the powers and duties of said state land settlement finance committee and of other state officers in relation to this act; to appropriate money for the expense of preparing and of advertising the sale of the bonds herein authorized to be issued; and to provide for the submission of this act to a vote of the people at the general election to be holden in the month of November, 1922," enacted at the forty-fourth session of the legislature of the State of California as provided in said act, then and in that event the said sum of seven hundred fifty thousand dollars hereby appropriated shall be returned into the general fund in the state treasury from the proceeds of the sale of any bonds issued and sold in pursuance of the said act so approved by the people.

CHAPTER 735.

An act appropriating money for the support of extension courses by the University of California.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
extension
courses,
University
of California.

SECTION 1. The sum of one hundred seventy thousand dollars for the fiscal year beginning July 1, 1921, and the same amount for each fiscal year thereafter, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law, for the support of extension courses by the University of California and to be expended for that purpose by the regents of the University of California. The money herein appropriated shall be subject to audit by the board of control after expenditures by the regents of the University of California, and shall be exempt from the provisions of section six hundred eighty-three of the Political Code.

CHAPTER 736.

An act appropriating money for the support of teacher training courses at the Southern Branch of the University of California.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of five hundred thousand dollars for the fiscal year beginning July 1, 1921, and the same amount for each fiscal year thereafter, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law, for the support of teacher training courses at the Southern Branch of the University of California, and to be expended for that purpose by the regents of the University of California. The money herein appropriated shall be subject to audit by the board of control after expenditures by the regents of the University of California, and shall be exempt from the provisions of section six hundred eighty-three of the Political Code.

Appropriation: teacher training courses, Southern branch, University of California.

CHAPTER 737.

An act appropriating money for the support of the Scripps institution for biological research of the University of California.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty-two thousand five hundred dollars for the fiscal year beginning July 1, 1921, and the same amount for each fiscal year thereafter, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law, for the support of the Scripps Institution for Biological Research of the University of California, and to be expended for that purpose by the regents of the University of California. The money herein appropriated shall be subject to audit by the board of control after expenditures by the regents of the University of California, and shall be exempt from the provisions of section six hundred eighty-three of the Political Code.

Appropriation: Scripps Institution for biological research.

CHAPTER 738.

An act appropriating money for the erection of cottages for employes for San Quentin State Prison.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
employes' cottages
San Quentin State Prison.

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the erection of cottages for employes for San Quentin State Prison.

CHAPTER 739.

An act appropriating money for general improvements on the property of the state situated in Napa county and known as the Napa State Farm.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
improvements,
Napa State Farm.

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for general improvements on the property of the state situated in Napa county and known as the Napa State Farm. The money herein appropriated shall be available for expenses incurred on and after March 1, 1921.

CHAPTER 740.

An act to assist in providing hospital service and treatment for legal residents of the state afflicted with maladies or deformities which can probably be remedied, and who are unable to pay for such service and treatment, and making an appropriation to carry out the purposes hereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
hospital service,
University of California.

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated to the regents of the University of California out of any money in the state treasury not otherwise appropriated, to be expended during the biennial period ending June 30, 1923, in assisting to provide hospital service and treatment in existing university hospitals for legal residents of the state afflicted with maladies or deformities which

can probably be remedied by such service or treatment, and who are unable to pay therefor. The money herein appropriated shall be subject to audit by the board of control after expenditures by the regents of the University of California, and shall be exempt from the provisions of section six hundred eighty-three of the Political Code.

SEC. 2. Such service is intended to cover particularly such treatment and study as can not be adequately given with the facilities available in the communities in which such persons are resident, and preference shall be given to needy children and mothers. The decision concerning admission and stay in the university hospitals hereunder shall rest with the regents, having in view the needs of the applicants, the facilities of the hospitals, and the requirements of the university medical school. All expenses connected with the transportation of such persons to and from the university hospitals shall be guaranteed to the regents before such persons are admitted to the hospitals.

Preference
to needy
children
and
mothers.

CHAPTER 741.

An act to amend section one of an act approved April 25, 1911, and entitled "An act to carry into effect the provisions of subdivision (e) of section fourteen of article thirteen of the constitution of the State of California as the said article was amended on the eighth day of November in the year 1910, in so far as the same relates to the state university; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an act entitled 'An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an act approved February 14, 1887, entitled "An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and also to repeal an act approved February 27, 1897, entitled "An act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor," approved March 20, 1909.'"

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act approved April 25, 1911, and entitled "An act to carry into effect the provisions of subdivision (e) of section fourteen of article thirteen of the

Stats. 1911,
p. 1104.
of
amended.

constitution of the State of California as the said article was amended on the eighth day of November in the year 1910, in so far as the same relates to the state university; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an act entitled 'An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and to repeal an act approved February 14, 1887, entitled "An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and also to repeal an act approved February 27, 1897, entitled "An act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor," approved March 20, 1909," is hereby amended so as to read as follows:

State
University
fund
created.

Section 1. In order to carry into effect the provisions of subdivision (e) of section fourteen of article thirteen of the constitution of the State of California as the said article was amended on the eighth day of November in the year 1910, in so far as the same relates to the state university, and to provide for the permanent support and improvement of the University of California, there is hereby created an annual fund to be called "the state university fund"; said fund for the seventy-third fiscal year shall be one million, eight hundred eighty-two thousand, eight hundred forty-nine dollars and eighty-three cents; *and provided, further,* that such fund for each of the seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth, eightieth, eighty-first, and eighty-second fiscal years shall be equal to, but not more than seven per cent in excess of the amount received by the university under this act for the immediately preceding respective fiscal year; *and provided, further,* that the regents may with the permission of the board of control and without at the time furnishing vouchers and itemized statements draw from such appropriation a sum not to exceed ten per cent of the total amount appropriated, the sum so drawn to be used as a revolving fund where cash advances are necessary, and at the close of each year, or at any other time, upon the demand of the board of control to be accounted for and substantiated by vouchers and itemized statements, submitted to and audited by the board of control and the controller. The money herein appropriated shall be subject to audit by the board of control after expenditure by the regents of the University of California, and shall be exempt from the provisions of section 683 of the Political Code.

CHAPTER 742.

An act making an appropriation for the support, maintenance and equipment of the college of agriculture of the University of California, including University farm school at Davis and the experimental stations under the control of the University of California.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of two million dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the support, maintenance and equipment of the college of agriculture of the University of California, including the University farm school at Davis and the experimental stations under the control of the University of California, to be expended for that purpose by the regents of the University of California. The money herein appropriated shall be subject to audit by the board of control after expenditure by the regents of the University of California, and shall be exempt from the provisions of section six hundred eighty-three of the Political Code.

Appropriation;
college of
agriculture,
University
of California.

CHAPTER 743.

An act appropriating money for the construction and equipment of university farm buildings outside of Berkeley.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of four hundred thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law, for planning and construction of buildings and other permanent improvements and the furnishing and equipment of the same at the University of California farm school at Davis, California, and to be expended for that purpose by the regents of the University of California. The money herein appropriated shall be subject to audit by the board of control after expenditures by the regents of the University of California, and shall be exempt from the provisions of section six hundred eighty-three of the Political Code.

Appropriation:
University
farm
buildings
outside
Berkeley.

CHAPTER 744.

An act appropriating money for investigation, research, and demonstration by the department of agriculture of the University of California with regard to deciduous fruits and nuts, including olives and figs.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
Investigation
of deciduous
fruits
and nuts,
University
of California.

SECTION 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for investigation, research and demonstration by the department of agriculture of the University of California during the biennial period ending June 30, 1923, with regard to deciduous fruits and nuts, including olives and figs, and to be expended for that purpose by the regents of the University of California. The purposes for which the funds above appropriated shall be available shall include the lease or purchase of land.

CHAPTER 745.

An act to add a new section to be numbered twenty-five a to the act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions: to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911, as amended, relating to tests for butter fat content of milk.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the act entitled "An act to prevent the manufacture or sale of dairy

products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act and amendments thereto," approved April 21, 1911, as amended, to be numbered twenty-five a, and to read as follows:

Sec. 25a. In conducting the Babcock test the fat column in tests on milk in milk test bottles shall be read from the extreme bottom of the fat column to the top of the top meniscus; the fat column in tests on cream in cream test bottles shall be read from the extreme bottom of the fat column to the extreme bottom of the top meniscus (when such meniscus in the butterfat is not destroyed by use of a foreign liquid); or from the extreme bottom of the fat column to the plane of separation between the butterfat column and the overlying foreign liquid (when such meniscus in the butterfat column is destroyed by the use of a foreign liquid).

Reading fat
column in
Babcock
test.

A permanent record of all tests of milk or cream purchased or received on the basis of the amount of butterfat contained therein must be made by the tester with an indelible pencil or ink on standard forms supplied at cost by the department of agriculture, each test being legibly recorded in common arabic numerals, and being accompanied by the patron's name or number in such a manner as to identify the patron whose milk or cream has been tested and also in such a manner as to prevent erasures or changes made in these tests and said record shall be at all times during business hours open to the inspection of the agents and officers of the department of agriculture or of any officer of the city or county board of health or of the district attorney of any county, and, in so far as tests on his own milk or cream are concerned, to any patron of the given plant or concern. Each sheet or page shall be authenticated by the signature of the tester and dated. A duplicate of these records must be kept in the personal possession of the tester for a period of at least three months after they were made, or must be deposited by the tester immediately after making in a box provided by the purchaser or receiver of milk or cream, and constructed and sealed according to the rules and regulations of the department of agriculture.

Record of
tests.

The original shall be kept by said purchaser or receiver of milk or cream for at least three months from the date it is made. The tester also shall retain a sample of all milk or

cream tested by him for a period of not less than forty-eight hours after tests of said milk or cream have been made and said tester shall be responsible for the safekeeping of such samples of milk or cream, and shall retain same in his custody at all times.

Penalty.

Any tester violating the provisions hereof or any rules and regulations promulgated by the director of agriculture for the purpose of carrying out the provisions of this act shall be guilty of misdemeanor and shall also forfeit his license. The director of agriculture on receiving evidence of the violation of this act by the tester shall give same ten days notice of a hearing to be held to determine if said tester has violated his license, and if said director shall find that said tester has violated his license said director shall revoke the same.

Any proceeding or hearing held by said director relative to the provisions of this act shall be a part of the records and evidence in any review of such matter in any court of records in the State of California.

Enforcement
by director.

The director of agriculture shall make such rules and regulations as may be necessary to carry out the provisions of this act.

CHAPTER 746.

An act to amend section four hundred fifty-seven of the Political Code.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred fifty-seven of the Political Code is amended to read as follows:

State
treasury
watchmen.

457. The state treasurer may employ four watchmen at an annual salary each of one thousand six hundred twenty dollars.

CHAPTER 747.

An act to amend section four hundred sixty of the Political Code.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred sixty of the Political Code is hereby amended to read as follows:

State
treasury
porter.

460. The state treasurer may employ a porter at an annual salary of one thousand two hundred dollars, who shall act as relief watchman and have the same power to make arrests as is by the Penal Code conferred upon peace officers.

CHAPTER 748.

An act to prevent the importation into the State of California of horses, mules, dairy cattle, breeding bulls, goats, breeding bucks and sheep, which are affected with communicable diseases, providing for the inspection or certification of such animals before being brought into the State of California, exempting certain animals from such inspection or certification, providing penalties for violating any of the provisions of this act, and repealing an act approved June 4, 1913, entitled "An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled 'An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California,' approved March 7, 1911; to repeal an act entitled 'An act to prevent the importation of horses, mules and asses, affected with glanders into the State of California,' approved March 7, 1911;" and repealing an act entitled "An act to prevent the importation into the State of California of horses, mules, dairy cattle and breeding bulls which are affected with communicable diseases, providing for the inspection or certification of such animals before being brought into the State of California, exempting certain animals from such inspection or certification, providing penalties for violating any of the provisions of this act, and repealing an act approved June 2, 1913, entitled 'An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled "An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California," approved March 7, 1911; to repeal an act entitled "An act to prevent the importation of horses, mules and asses affected with glanders into the State of California," approved March 7, 1911," approved April 12, 1915, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. It shall be unlawful for any person, firm, company, or corporation, their agents and servants, to bring into the State of California any horses, mules, dairy cattle, breeding bulls, goats, bucks, or sheep, except as hereinafter provided.

Importation
of livestock.

(a) Dairy cattle and breeding bulls over six months of age must be accompanied by a certificate of health and tuberculin test record signed by a qualified veterinarian showing that each of said animals is free from communicable diseases, including tuberculosis, and copy of such certificate and tuberculin test record shall be mailed to the department of agriculture of the State of California on the day the shipment of said animal starts from its origin.

(b) In lieu of such certificate of health and tuberculin test record, as provided for in subdivision (a) of this section, said dairy cattle and breeding bulls may be brought into the State of California; *provided*, said animals are accompanied by a signed statement issued by the director of agriculture or other authority in charge of live stock sanitary work in the state from which such animals are transported, stating that the animals in the shipment originated in herds which are free from tuberculosis and are not affected with any communicable disease; and a copy of said statement shall be mailed to the department of agriculture of the State of California on the day the shipment of said animals starts from its origin.

Horses and
mules.

(c) Horses and mules must be accompanied by a certificate of health signed by a qualified veterinarian, stating that each animal in the shipment is free from communicable diseases, and a copy of said certificate shall be mailed to the director of agriculture of the State of California on the day the shipment of said animals starts from its origin.

(d) In lieu of the certificate provided for in subdivision (c) of this section, horses and mules may be brought into the State of California; *provided*, said animals are accompanied by a signed statement issued by the director of agriculture or other authority in charge of live stock sanitary work in the state from which said animals are transported, stating that each animal in the shipment is free from communicable diseases, and has not recently been exposed to any communicable diseases, and a copy of said statement shall be mailed to the department of agriculture of the State of California on the day the shipment of said animals starts from its origin.

Bucks

(e) Any person or persons desiring to ship bucks into the State of California shall notify the director of agriculture of the State of California by registered mail ten days before said shipment is made, which notice shall include the name and address of consignor and consignee, and destination of shipment. Such notification shall be accompanied by a fee of fifty cents payable to the department of agriculture for each buck included in the shipment. Bucks that have not been shipped in crates, or cars that have been thoroughly cleaned and disinfected before loading, shall be dipped one or more times upon arrival at the point of destination, under the supervision of the director of agriculture, or his agent, and in accordance with rules and regulations adopted by the director of agriculture for the dipping of sheep; *provided further*, that bucks shipped in cars that have been thoroughly cleaned and

disinfected, and unloaded in corrals at any point en route to the final destination, shall also be dipped in a like manner as bucks shipped in cars not cleaned and disinfected.

(f) Any person or persons desiring to import sheep or goats ^{Sheep or goats.} into the State of California, except sheep or goats for immediate slaughter, shall notify the director of agriculture of the State of California by registered mail before said importation shall be made, which notice shall include the name and address of the consignor and consignee, the owner of said sheep or goats, the place of entrance into the state, and such description of the destination as will enable said director of agriculture to readily locate said sheep or goats upon their arrival.

SEC. 2. Animals accompanying shipments of emigrant ^{Exemptions.} movables shall be exempt from the inspection of certificates as provided for in this act. It is *further provided*, that when horses, mules, dairy and breeding cattle are being brought into the State of California for exhibition or theatrical purposes, said animals shall likewise be exempt from the inspection and certification as provided for in this act; *provided, however*, that when dairy or breeding bulls which have been brought into the State of California for exhibition purposes are sold to remain in the State of California, said animals shall be subjected to the tuberculin test and certified to as free from tuberculosis by the director of agriculture of the State of California before said animals are delivered to the purchaser.

SEC. 3. Whenever it shall have been determined by the ^{Quarantine.} director of agriculture that a communicable disease exists among domestic animals in any other state or territory in the United States, or foreign country, and the importation of animals from said state or territory, or foreign country might spread such disease among animals within the State of California, nothing in this act shall be so construed as to prevent or prohibit the governor of the State of California from issuing his proclamation quarantining said state or territory, or foreign country, or from prescribing the regulations under which animals might be imported into the State of California from said state or territory, or foreign country.

SEC. 4. That certain act of the legislature of the State of ^{Stats 1913, p 379, repealed.} California approved June 4, 1913, entitled "An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled 'An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California,' approved March 7, 1911; to repeal an act entitled 'An act to prevent the importation of horses, mules and asses affected with glanders into the State of California,' approved March 7, 1911," is hereby repealed.

SEC. 5. Any person, firm, company or corporation, their ^{Penalties.} agents, servants and employees, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor,

and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a term not exceeding one hundred eighty days, or by both such fine and imprisonment.

Constitution-
ality.

SEC. 6. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act; and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Stats. 1915,
p. 59,
repealed.

SEC. 7. An act entitled "An act to prevent the importation into the State of California of horses, mules, dairy cattle and breeding bulls which are affected with communicable diseases, providing for the inspection and certification of such animals before being brought into the State of California, exempting certain animals from such inspection or certification, providing penalties for violating any of the provisions of this act, and repealing an act approved June 4, 1913, entitled 'An act to prevent the importation into the State of California of horses mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled "An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California," approved March 7, 1911; to repeal an act entitled "An act to prevent the importation of horses, mules and asses affected with glanders into the State of California," approved March 7, 1911," approved April 12, 1915, as amended, is hereby repealed.

CHAPTER 749.

An act appropriating money in furtherance of the objects of the Los Angeles county flood control act.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
Los Angeles
county
flood
control.

SECTION 1. The sum of three million dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in furtherance of the objects and purposes of the Los Angeles county flood control act as set forth in section two of said act; and in particular in carrying out the projects outlined in the report of the engineer of the Los Angeles county flood control district filed with and approved and adopted by the board of supervisors of said district on the second day of January, 1917.

1502

SEC. 2. The controller of the State of California shall, immediately upon the taking effect of this act, draw his warrant in favor of the board of supervisors of the Los Angeles county flood control district for the sum of three hundred thousand dollars; and he shall draw his warrant in favor of said board for a like sum upon the first day of July, 1922, and upon the first day of each July thereafter until the sum of three million dollars has been paid. And the treasurer of the State of California is hereby directed to pay each of said warrants out of any moneys in the state treasury not otherwise appropriated. All of said sums shall be applied by said board of supervisors in the manner provided by section one of this act.

CHAPTER 750.

An act providing for the creation and management of the Mount Diablo park, creating a board of five commissioners with power to acquire and manage said park and making an appropriation therefor.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Within thirty days after the taking effect of this act the governor shall appoint five persons who shall constitute the Mount Diablo park commission. The commissioners appointed by the governor shall hold office for the term of four years. Vacancies shall be filled by the governor.

SEC. 2. The north three hundred twenty (320) acres (or the north half), lot one, the west half of lot two, and lots four, five, seven and eight of section thirty-six, township one north, range one west, Mount Diablo meridian, said land being the property of the State of California, is hereby reserved from sale and set aside for park purposes and said land is hereby placed under the management and control of the Mount Diablo park commission to be maintained by them as a public park for the honor of the State of California and for the benefit of succeeding generations; *provided, however*, that should the State of California at any future period abandon said land for park purposes, that in that event said land shall be and become subject to sale under the then existing laws providing for the sale of school lands.

SEC. 3. Said commission shall provide for the conservation and reforestation of the land herein mentioned and any other lands that may be acquired hereunder and shall make provision for the preservation of animal and bird life thereon. They shall also provide and maintain public recreation grounds for the benefit of the people of the State of California and

shall develop and conserve all water resources upon said lands.

Purchase of additional land.

SEC. 4. The commission shall have the power to purchase such additional land as it may in its judgment deem necessary, not to exceed four thousand acres in extent, or it may proceed by action at law in the superior court to condemn the same or any portion therein in the name of the people of the State of California. The commission may also receive contributions from any source for the purchase of additional lands, and for the care and maintenance of lands, and forest under its charge.

Rules and regulations.

SEC. 5. The commissioners shall receive no salary, but shall have full power and control over the said park, and over the funds provided for the purchase and maintenance of the same, and shall make and enforce all necessary rules and regulations for carrying out the purposes of this act.

Attorney general to examine abstracts.

SEC. 6. No payment of any part of the purchase price of any lands acquired in accordance herewith shall be made until an abstract or abstracts of title shall have been furnished to the attorney general showing that said lands, and the whole thereof, are free from any valid liens or encumbrances thereon, and it is hereby made the duty of the attorney general to examine said abstract or abstracts of title, and to render and deliver to said commission his opinion in writing, certifying that no valid liens or encumbrances exist thereon, and that the title to said land and the whole thereof is good and valid. Said opinion of the attorney general together with said abstract or abstracts of title shall be filed in the office of the secretary of state.

Appropriation.

SEC. 7. Out of any money in the state treasury not otherwise appropriated, the sum of two thousand five hundred dollars is hereby appropriated to be expended in accordance with law in carrying out the provisions of this act.

CHAPTER 751.

An act to amend section eleven of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts

inconsistent with the provisions of this act," approved May 27, 1919, and to add three new sections thereto to be numbered eleven a, twenty a and twenty b.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section eleven of the act entitled "An act to Stats 1919, p. 1256, amended. define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, is hereby amended to read as follows:

Sec. 11. The licenses of both broker and salesman shall be Display of licenses. prominently displayed in the office of the real estate broker, and no license issued hereunder shall authorize the licensee to do business except from the location stipulated in the license. The salesman's license shall remain in the possession of the licensed broker employer until canceled or until said licensee shall leave the employ of said broker. Immediately upon the salesman's withdrawal from the employ of the broker, the broker shall return the salesman's license to the commissioner for cancellation. Notice in writing shall be given the commissioner of change of business location or change of employer, Change of location. whereupon the commissioner shall issue a new license for the unexpired period without charge. The change of business location without notification to the commissioner and the issuance by him of a new license shall automatically cancel the license heretofore issued.

Each person, firm or corporation licensed as a broker under the provisions of this act shall be required to have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of business. Place of business.

Sec. 2. A new section is hereby added to said act to be numbered eleven a and to read as follows:

11a. Each individual, firm or corporation licensed as a Sign at place of business. broker under the provisions of this act shall erect or maintain a sign on the premises wherein is located his place of business, on which shall be plainly stated that he is a real estate broker.

Sec. 3. A new section is hereby added to said act to be numbered twenty a and to read as follows:

Sec. 20a. The state real estate commissioner, upon his own Report on colonization subdivisions. initiative or upon written application of the owner of any agricultural lands being offered for sale or proposed to be

offered for sale for colonization purposes or for farm acreage subdivision or for rural settlement, shall have authority to investigate and make public report upon said colonization or farm acreage subdivision or rural settlement enterprise, with reference to the condition of title to said lands and the methods of sale being used or proposed to be used in effecting the sale thereof and, in case said land is represented to have a water supply or to be sold with a water right, the truthfulness of such representation.

SEC. 4. A new section is hereby added to said act to be numbered twenty *b* and to read as follows:

Unlawful
not to
set forth
substance
of report.

20*b*. It shall be unlawful for any person, copartnership, or corporation to issue, circulate or publish any advertisement, pamphlet or circular concerning any agricultural lands being offered for sale or proposed to be offered for sale for colonization purposes or for farm acreage subdivision or for rural settlement wherein it is stated that the real estate commissioner has made a report on such enterprise unless the substance of said report shall be clearly set forth in said advertisement, pamphlet or circular. Any person or corporation violating the provisions of this section shall upon conviction thereof, if a person, be punished by a fine not to exceed two thousand dollars or by imprisonment in the county jail or state prison for a term not to exceed one year, or by both fine and imprisonment, in the discretion of the court; or if a corporation, be punished by a fine of not to exceed five thousand dollars.

CHAPTER 752.

An act to amend section one thousand two hundred three of the Penal Code, relating to probation of persons arrested for crime after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation and the disposition of such accusation after full compliance with the terms of probation and providing for the creation of the offices of adult probation officer, assistant adult probation officer and deputy adult probation officer in certain counties and cities and counties and fixing their compensation and duties and providing for adult probation boards in certain counties and cities and counties.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand two hundred three of the Penal Code is hereby amended to read as follows:

Investiga-
tion by
probation
officer.

1203. After plea or verdict of guilty, where discretion is conferred upon the court as to the extent of the punishment, the court, upon oral suggestions of either party, or of its own

motion, that there are circumstances which may properly be taken into view, either in aggravation or mitigation, of the punishment, may in its discretion, refer the same to the probation officer, directing said probation officer to investigate, and to report, recommending either for or against release upon probation, at a specified time, and the court shall hear the same summarily at such specified time, and upon such notice to the adverse party as it may direct. At such specified time, if it shall appear from the report furnished by the probation officer, or otherwise, and from the circumstances, of any person over the age of eighteen years so having pleaded guilty, or having been convicted of crime, that there are circumstances in mitigation of the punishment, or that the ends of justice shall be subserved thereby, the court shall have power, in its discretion, to place the defendant upon probation in the manner following:

(a) The court, judge or justice thereof, may suspend the imposing, or the execution of sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as hereinafter set forth, and upon such terms and conditions as it shall determine, which terms and conditions may include, in the discretion of the court, the requirements of bonds for the appearance of the person released upon probation before the court, at any time that the court may require such appearance in the investigation of any alleged violation of said terms and conditions of probation and such bonds may be at any time by the court exonerated without affecting any of the other terms or conditions of such probation; and in case of such suspension of imposition or execution of sentence, the court shall place such person on probation and under the charge and supervision of the probation officer of said court, during such suspension: *provided, however*, that where the maximum possible term of such sentence is less than two years, then such period of suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over two years. Where the offense consists of a violation of section two hundred seventy or two hundred seventy *a* of the Penal Code of the State of California, such suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over five years.

(b) If the judgment is to pay a fine, and the defendant be imprisoned until it be paid, the court, judge or justice, upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, not exceeding the maximum possible term of such sentence and on such terms as it shall determine, and shall place the defendant on probation, under the charge and supervision of the probation officer during such suspension, to the end that he may be given the opportunity to pay the fine; *provided, however*, that upon the payment of the fine being made, judgment shall be satisfied and the probation cease.

Rearrest.

(c) At any time during the probationary term of the person released on probation, in accordance with the provisions of this section, any probation officer may, without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed in his care and bring him before the court, or the court may, in its discretion, issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interest of justice so requires, and if the court, in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates, or a vicious life. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment after the said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence.

Revocation of order by court.

(d) The court shall have power at any time during the term of probation to revoke or modify its order of suspension, of imposition or execution of sentence. It may, at any time, when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, but no such order shall be made without written notice first given by the court or the clerk thereof to the proper probation officer of the intention to revoke or modify its order, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall, at the end of the term of probation, be by the court discharged.

Change of plea.

(e) Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time prior to the expiration of the maximum period of punishment for the offense of which he has been convicted, dating from said discharge from probation or said termination of said period of probation, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusation or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.

(f) The offices of adult probation officer, assistant adult probation officer and deputy adult probation officer are hereby created; *provided*, that except as hereinafter specified the probation officers, assistant probation officers and deputy probation officers appointed under an act known as the juvenile court law and entitled, "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, or under any laws amending or superseding the same, shall be ex officio adult probation officers, assistant adult probation officers and deputy adult probation officers respectively except in the case of offenses committed in any city and county and also in those counties not operating under a freeholder's charter, and having a population of more than three hundred thousand, as the same is determined by the federal census taken in the year Anno Domini 1920, in which counties and cities and counties the adult probation officers, assistant and deputy adult probation officers appointed under subdivision (g) of this section shall serve under this act; *provided, however*, that in all cases of offenses defined by section twenty-one of said act, known as the juvenile court law and by section two hundred seventy of the Penal Code, the same probation officers, assistants and deputies shall serve under this act as are appointed under said juvenile court law.

Adult
probation
officers.

Probation
officers
under
juvenile
court law
to serve
when.

(g) In any city and county and in any said county having a population of more than three hundred thousand and not operating under a freeholder's charter, the judges presiding in the departments designated for the hearing and disposition of criminal cases and proceedings by a majority vote shall by order entered in the minutes of the court appoint seven citizens of good moral character to be known as the adult probation board and shall fill all vacancies occurring in such board. The clerk of said court shall immediately notify each person appointed on said board and thereupon said person shall appear before a judge of the superior court and qualify by taking an oath, which shall be entered in said court record, to perform faithfully the duties of such adult probation board.

Adult
probation
board.

Term.	The members of such adult probation board shall hold office for four years and until their successors are appointed and qualify; <i>provided</i> , that of those first appointed one shall hold office for one year, two for two years, two for three years and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any
Vacancies	probation board by expiration of the term of office of any member thereof, the successor shall be appointed to hold office for the term of four years. When any vacancy occurs for any other reason the appointee shall hold office for the unexpired term of his predecessor. Any member of the probation board may be removed for cause at any time by an affirmative vote of four members of said board at a meeting called for the special purpose of considering the question of said removal and the subsequent written approval of a majority of the said judges designated for the hearing and disposition of criminal cases and proceedings, said written approval to be filed with the clerk of the court within thirty days after the written report of the said board has been received by said judges. Written notice as to said special meeting shall be served on each of the members of said board at least ten days prior to the date set therefor and shall specify the purpose thereof.
Removal for cause.	
Duty of board.	It shall be the duty of such adult probation board to exercise a friendly supervision of probationers when so directed by the court, to furnish the court information and assistance whenever required upon the request of the court and from time to time to advise and recommend to the court any changes or modification of the order made in the case of a probationer as may be for the best interests of such person.
No compensation.	Members of the adult probation board shall serve without compensation.
Salaries of adult probation officers.	In any city and county there shall be one adult probation officer and eight assistant adult probation officers, who shall receive salaries as follows: adult probation officer, two hundred fifty dollars per month, one assistant adult probation officer, two hundred dollars per month, and seven assistant adult probation officers at one hundred forty dollars per month, each. In any county of more than three hundred thousand and not operating under a freeholder's charter, there shall be one adult probation officer; one assistant adult probation officer and two deputy adult probation officers who shall receive the following salaries: adult probation officer, three thousand dollars per annum; assistant adult probation officer, two thousand four hundred dollars per annum; one deputy adult probation officer, two thousand one hundred dollars per annum; one deputy adult probation officer, six hundred dollars per annum. One deputy adult probation officer in such county shall be a woman and shall be a competent stenographer and typist of sufficient ability to perform the clerical and stenographic work of the office in addition to her other duties. The salaries of the adult probation officer, assistant and deputies herein pro-

vided shall be paid out of the treasury of the county or city and county in which they are appointed in the same manner as the salaries of other county officers. The said adult probation officer, assistant and deputies shall be allowed such necessary incidental expenses incurred in the performance of their duties as required by any law of the State of California as may be authorized by a judge designated for the hearing and disposition of criminal cases and proceedings, or by the judge of a department to which criminal actions and proceedings are assigned, and the same shall be a charge upon the county and said expenses shall be paid out of the county treasury upon the written order of said judge, directing the county auditor to deliver his warrant upon the treasurer for the specified amount of such expenses. The adult probation officer shall keep a list of expenses and file a copy monthly with the board of supervisors.

In any city and county and in said counties having a population of more than three hundred thousand and not operating under a freeholder's charter, the adult probation officer, assistant and deputies hereinbefore provided shall be nominated by the adult probation board and shall be appointed by majority vote of the judges presiding in the departments designated for the hearing and disposition of criminal cases. The term of office of the adult probation officer, assistant and deputies herein provided for shall be two years from the date of their appointment. The said officers may at any time be removed by vote of a majority of the judges presiding in the departments designated for the hearing and disposition of criminal cases and proceedings for good cause shown and on the filing of written charges by the said judge or judges with the adult probation board. Each adult probation officer, assistant and deputy shall give a bond in the sum of not more than two thousand dollars to be fixed and approved by the judges of the superior court presiding in the departments designated for the hearing and disposition of criminal cases, conditioned for the faithful discharge of the duties of said office. If said bonds are furnished by a surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

The adult probation officer may appoint as many additional deputies as he may desire; *provided, however*, that such deputies shall not have authority to act until their appointment shall be approved by a majority vote of the adult probation board and by a majority vote of the judges presiding in departments designated for the hearing and disposition of criminal cases. The term of office of such deputies shall expire with the term of the adult probation officer making such appointment, but the adult probation officer may at any time in his discretion revoke and terminate such appointment. Such deputies, except as herein provided, shall serve without compensation. Boards of supervisors of cities and counties and of counties having a population of more than three hundred

thousand and not operating under a freeholder's charter, shall provide and maintain at the expense of such county or city and county in a location in the vicinity of the county jail, suitable offices and quarters for the adult probation officer. Nothing contained in this subdivision shall apply to the offenses defined by section twenty-one of the said juvenile court law and by section two hundred seventy of the Penal Code.

Offices.

Transfer of cases.

(h) Whenever any person is released upon probation under the provision of this act, the case may be transferred to any court of the same rank in any other county, or city and county, of this state in which such person resides, or to which such person may remove, and such court shall thereupon commit such person to the care and custody of the probation officer of the county, or city and county, to which such person has been transferred; such court shall thereafter have entire jurisdiction over such case, with like power to make transfer whenever to such court such transfer may seem proper.

Report on person's antecedents, etc.

(i) At the time of the plea or verdict of guilty of any crime of any person over eighteen years of age, the probation officer of the county of the jurisdiction of said crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment, and offense of such person, and must report the same to the court, and file his report in writing in the records of said court. His report shall contain his recommendation for or against the release of such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer shall keep a complete and accurate record in suitable books or other form in writing, of the history of the case in court, and of the name of the probation officer, and his acts in connection with said case; also the age, sex, nativity, residence, education, habits of temperance, whether married or single, and the conduct, employment and occupation, and parents' occupation, and condition of such person so committed to his care during the term of such probation and the result of such probation. Such record of such probation officer shall be and constitute a part of the records of the court, and shall at all times be open to the inspection of the court, or of any person appointed by the court for that purpose, as well as of all magistrates, and the chief of police, or other head of the police, unless otherwise ordered by the court. Said books of record shall be furnished for the use of said probation officer of said county, and shall be paid for out of the county treasury.

Report of probation officers.

(j) Every probation officer, within fifteen days after the thirtieth day of June, and within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document with the county clerk a report to the superior court of the county or city and county in which such probation officer is appointed to serve, and shall furnish a copy of such report to each judge in said county or city and county who has released any person on probation who at the

time of such report remains on probation; and a further copy to the secretary of the state board of charities and corrections. Such report shall state, without giving names, the exact number of persons, segregating male and female, and segregating misdemeanors and felonies, who have been released on probation to such probation officer as such number exists, deducting all cases of expiration, discharge, dismissal, and restoration of rights, on said thirtieth day of June and said thirty-first day of December; and such report shall further segregate such person as having been released on probation, as the case may be, in one thousand nine hundred three, one thousand nine hundred four, one thousand nine hundred five and so on, up to and including the calendar year in which such report is made and filed.

(k) The probation officer shall furnish to each person who has been released on probation, and committed to his care a written statement of the terms and conditions of his probation unless such statement has been furnished by the court, and shall report to the court, judge or justice, releasing such person upon probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care. Statement of terms of probation.

(l) Such probation officer shall have, as to the person so committed to the care of said probation officer, the powers of a peace officer. Powers of peace officers.

CHAPTER 753.

An act amending section five hundred thirty-four of the Political Code, relating to the salary of the deputy state printer.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section five hundred thirty-four of the Political Code is hereby amended to read as follows: Salary of deputy state printer.

534. The annual salary of the superintendent of state printing shall be five thousand dollars. He may appoint a deputy superintendent of state printing who shall be a civil executive officer, and who shall receive a salary of three thousand six hundred dollars per annum.

CHAPTER 754.

An act to provide for the survey and investigation of the feasibility and cost of irrigating the lands of Shasta valley in Siskiyou county, California, from the Klamath river and other sources of water in California and Oregon, and to make an appropriation therefor.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Investigation of feasibility of irrigating Shasta valley.

SECTION 1. The state department of engineering is hereby authorized and directed to make surveys and investigations to determine the feasibility of irrigating lands in Shasta valley, in Siskiyou county, California, with water obtained from Klamath river and such other sources as may be found available either by storage or otherwise in the states of California and Oregon; to ascertain the extent and area of lands which may be so irrigated; the probable amount of water power which may be developed in connection with the irrigation works; to prepare a general plan for said irrigation and power development, and an estimate of the costs thereof.

Cooperation with U. S. reclamation service.

SEC. 2. To carry out the provisions of this act the said state department of engineering is authorized to cooperate with the United States reclamation service and other United States departments and agencies, in the execution of the work, and to receive moneys from counties, districts, municipalities, corporations, associations and individuals to help defray the expenses of making such surveys, investigations and plans.

Appropriation.

SEC. 3. The sum of twenty thousand dollars is hereby appropriated out of the general fund of the treasury not otherwise appropriated to be used in executing the work herein directed.

Execution of work.

SEC. 4. All work to be paid for from this appropriation shall be executed by the state department of engineering or by the United States reclamation service, or both the state department of engineering and the United States reclamation service.

Division of cost.

SEC. 5. This act shall become operative only upon condition that the cooperating agencies named in section two hereof shall contribute two-thirds of the costs involved, and in no event shall there be more than one-third of the costs of said surveys and investigations be paid from the appropriation herein made.

Warrants.

SEC. 6. The controller of the State of California is hereby authorized and directed, upon requests of the state department of engineering, approved by the state board of control, to draw his warrant on the state treasurer from time to time in such amounts as the said state department of engineering may require, and the state treasurer is authorized and directed to pay such warrants.

CHAPTER 755.

An act to repeal an act entitled "An act to repeal an act entitled 'An act regulating the sale of mineral lands belonging to the state,' approved March 28, 1874, and the acts amendatory thereof, and to provide for the sale of mineral lands under United States laws," approved April 1, 1897.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act to repeal an act entitled 'An act regulating the sale of mineral lands belonging to the state,' approved March 28, 1874, and the acts amendatory thereof, and to provide for the sale of mineral lands under United States laws," approved April 1, 1897, is hereby repealed. Such repeal shall be without prejudice to any rights or remedies of any person acquired under said act prior to the fifteenth day of February A. D. one thousand nine hundred twenty-one, or to any defenses then existing in behalf of the state or any officer thereof for any act performed in his official capacity, but all such rights, remedies and defenses are hereby expressly reserved to all such persons and to the state and its officers, respectively.

Stats. 1897
p. 438,
repealed.

CHAPTER 756.

An act validating applications for a sixteenth or thirty-sixth section which was not surveyed at date application was filed therefor.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. All applications received by the State of California for any part or all of a sixteenth or thirty-sixth section which was not surveyed at date of filing the application but which has subsequently been surveyed and for which certificates of purchase or patents otherwise valid have been issued, are hereby declared to be valid.

Applications
for
unsurveyed
sections
validated.

CHAPTER 757.

An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor and providing penalties therefor, and providing for the collection of damages by owners of live stock injured by dogs.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Dog tag or
license

SECTION 1. It shall be unlawful for any person to suffer or permit any dog owned, harbored or controlled by him, to run at large unless said dog has attached to his neck a substantial collar on which is fastened a metallic tag giving the name and address of the owner of such dog, or a metal license tag issued by the authority of a county, city and county or other municipal corporation, for the purpose of identifying such dog and designating the owner thereof.

Female
dogs.

SEC. 2. It shall be unlawful for any person to suffer or permit any female dog owned, harbored or controlled by him, to run at large at any time during the period when such dog is in heat or breeding condition.

Hunting
at large
on farm.

SEC. 3. It shall be unlawful for any person to suffer or permit any dog owned, harbored or controlled by him to run at large on any farm whereon live stock or domestic fowls are kept, without the consent of the owner thereof; *provided*, that nothing herein contained shall prohibit the use of any dog for herding live stock or for hunting or sporting purposes or any competitive trials when such dog is within reasonable control or call of the owner thereof or his agent.

Unlawful
killing or
impounding.

SEC. 4. It shall be unlawful for any person to kill, injure or impound any dog, the owner of which has complied with the provisions of this act; *provided*, that nothing herein contained shall prohibit any person from killing or impounding any dog which he sees in the act of attacking, killing or persistently pursuing or worrying any live stock or domestic fowls in any enclosure or in any district where measures have been adopted by the state, county or city for the control of rabies; *provided, further*, that any owner, lessee or employee may detain or impound any dog found straying on any farm whereon live stock or domestic fowls are kept.

County dog
license
tags.

SEC. 5. Upon the filing of a petition therefor by twenty-five electors whose names appear upon the last preceding assessment roll of the county as owners of domestic live stock, it shall be the duty of the board of supervisors of any county to provide for the annual issuance of serially numbered metallic dog license tags, stamped with the name of the county and the year

of issue, which shall be issued by the county clerk directly or through justices of the peace, to owners of dogs, who make application for the same. Each application shall state the age, sex, color and breed of the dog for which the license is desired and the address of the owner. The county clerk shall endorse upon the application the number of the license tag issued upon such application and all applications so endorsed shall be kept on file in the office of the county clerk open to public inspection. The fee for the issuance of such license tag shall be fifty cents. It shall be unlawful for any person to attach such license to the collar of any dog other than the one described in the application for such license tag. Fee.

SEC. 6. The board of supervisors shall provide for the taking up and impounding of any and all dogs found running at large contrary to the provisions of this act in said county and for the killing in some humane manner or other disposition of any dog so impounded. The board of supervisors may appoint proper persons to attend to the duties described by this section or they may enter into a contract with any humane society or other organization or association, which will undertake to carry out the provisions of this act, regarding the taking up, impounding and killing of dogs, and which shall give a proper bond in whatever amount may be fixed by the board of supervisors for the faithful performance of the contract. Impounding
dogs running
at large.

No dog impounded under the provisions of this act shall be killed or otherwise disposed of without notice to the owner of such dog, if he be known, and no dog impounded under the provisions of this act shall be killed before seventy-two hours have elapsed from the time of the taking up of such dog.

SEC. 7. The board of supervisors shall fix the compensation of the county clerk for issuing dog license tags and shall also fix the fee for impounding any dog and the amount to be paid for keeping such dog, which shall not be more than ten cents for each day that the dog is so kept. When the impounding is done by an appointee of the board of supervisors or by a humane society or other organization or association, which has entered into a contract for impounding dogs, the fees for taking up and impounding and for keeping such dogs shall be a charge upon the county treasury, to be paid as other claims against the county are paid; *provided*, that in any case where a dog so impounded is claimed by the owner, the fee for impounding and keeping such dog as fixed by the board of supervisors, shall be paid by the owner to the person, organization or association having custody of such dog, to be retained by him or them, and no charge for fees pertaining to such dog shall be paid by the board of supervisors; *provided, further*, that the refusal or failure of the owner of any such dog to pay such fee and charges after due Fee for
impounding
dog.

notification, shall be held to be an abandonment of such dog by such owner.

Fee for
impounding
dog with
tag.

SEC. 8. Any dog found straying on any farm whereon live stock is kept, which has attached to its collar the identification tag or license tag prescribed by section one of this act, may be taken up, impounded and detained in the same manner as described in this act, and the person so taking up such dog shall be entitled to recover from the owner of said dog, in any court having jurisdiction, the fees for so taking up and keeping such dog as fixed by the board of supervisors for taking up and keeping unlicensed and unidentified dogs, together with costs.

Dog with
city
license
tag.

SEC. 9. For the purpose of this act, any dog license tag issued by any city and county, or incorporated city or town, which substantially complies with the provision of this act and which provides for the wearing of such license tag upon the collar of the dog and the keeping of a record which will establish the identity of the person who owns or harbors such dogs, will be deemed to comply with the provisions of this act.

Penalties.

SEC. 10. Any person violating any of the provisions of this act is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than twenty-five dollars for the first offense, and for the second offense a fine of not less than fifty dollars and imprisonment in the county jail for ten days or both.

Live stock
indemnity
fund.

SEC. 11. All fees for the issuance of dog license tags and all fines collected under the provisions of this act, shall be paid into the county treasury and shall constitute a fund to be known as the live stock indemnity fund, which shall be used: First, to pay fees for the issuance of dog license tags; second, to pay fees for the impounding and keeping of unlicensed and unidentified dogs as prescribed by this act; third, to pay damages to owners of live stock killed by dogs: *provided*, that each such claim shall be verified by the affidavits of two disinterested witnesses who shall fix the value of such live stock, such affidavits to be executed within forty-eight hours after the finding of the carcasses of each animal and to establish the fact beyond reasonable doubt that such animal was killed by a dog or dogs. Such claims shall be paid from the fund herein provided in the same manner as other claims against the county are paid.

CHAPTER 758.

An act to provide for the acceptance of the provisions and benefits of an act passed by the senate and the house of representatives of the United States of America, in congress assembled, to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise; to empower and direct the board designated as the state board

for vocational education to cooperate with the federal board for vocational education in carrying out the provisions of said federal act; to prescribe its powers and duties in carrying out the provisions of this act; to provide for a plan of cooperation between the state board for vocational education and the industrial accident commission; to provide for the appointment of a custodian of all moneys received by the state from appropriations made by the congress of the United States and from other sources for the purpose of promoting vocational rehabilitation; to create a vocational rehabilitation fund and making an appropriation therefor.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The people of the State of California do hereby, through their legislative authority, accept the provisions and benefits of the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920. In accepting the provisions and benefits of said act, the people of the State of California agree to observe and comply with all of its requirements.

Acceptance
of federal
vocational
rehabilita-
tion act.

SEC. 2. The state board of education, heretofore designated as the state board for vocational education, is hereby also designated as the board for the purpose of cooperating with the federal board for vocational education in carrying out the provisions and purposes of the federal act providing for the vocational rehabilitation of persons disabled in industry or otherwise. Said board is hereby empowered and directed to cooperate with the federal board for vocational education in the administration of said act of congress; to provide for the supervision and support of such courses of vocational rehabilitation as it may deem essential in order to carry out the provisions of the federal act and of this act.

State
board of
education
to cooperate.

SEC. 3. The state board of education shall direct its program of vocational rehabilitation through the commissioner of vocational education. Said board is hereby authorized to appoint all necessary professional assistants and teachers who shall not be subject to the provisions of any civil service law of the state; to appoint such other assistants as may be necessary; to fix and pay the compensation of such employes; and to perform any other duties necessary in order to carry out the provisions of the federal act, and of this act.

Assistants
and
employes.

SEC. 4. It is hereby made the duty of the state board of education and the industrial accident commission to formulate a plan of cooperation in accordance with the provisions of the federal act, and of this act, such plan to become operative when approved by the governor of the state.

Cooperation
with
industrial
accident
commission.

Custody of
funds by
state
treasurer.

SEC. 5. The state treasurer, as required by the federal act, is hereby authorized, and required to receive and provide for the proper custody of all funds apportioned to the State of California under the provisions of that act. He is also authorized and required to receive and provide for the proper custody of all moneys appropriated by this act, of all moneys that may be hereafter appropriated for the purpose of carrying out the provisions of this act, and of all moneys that may be received by the state board of education under the provisions of section six of this act.

Vocational
rehabilita-
tion fund.

The moneys above mentioned shall constitute the "vocational rehabilitation fund" of the state board of education, which fund is hereby created, and shall be paid out by the state treasurer on warrants drawn by the controller as requisitioned by the state board of education in carrying out the provisions of this act, the federal act, and the rules and regulations of said state board established as required by the said acts.

Gifts and
endowments.

SEC. 6. The state board of education is hereby authorized and empowered to receive and provide for the proper custody of such gifts and donations either from public or private sources as may be offered unconditionally, or as may be offered under conditions that are, in the judgment of the state board, proper and consistent with the purposes and the provisions of this act. Any endowments placed in the hands of the state board of education, only the incomes of which may be applied to vocational rehabilitation, may be invested by said board under such agreements as may have been entered into with the donors, or under the provisions and regulations customary in handling other permanent state funds.

The moneys received by the state board of education as income from endowments or as direct contributions shall be expended as conditioned by the several donors or, if not so conditioned, as deemed necessary by said board, to provide for the vocational rehabilitation of persons disabled in industry or otherwise, to provide for the support of such persons and their dependents while undergoing such rehabilitation, and to conduct such investigations as are considered necessary in order to promote the establishment and maintenance of vocational rehabilitation.

Report.

A full report of all moneys and donations offered and accepted together with the names of donors and the respective amounts contributed by each, and all disbursements made under the provisions of this section, shall be submitted annually to the governor of the state by the state board.

Appropriation.

SEC. 7. For the three successive fiscal years beginning July 1, 1921, the sum of thirty-five thousand dollars is hereby annually appropriated out of any moneys in the state treasury not otherwise appropriated, to be used in whole or in part by the state board of education to match the funds allotted to the State of California under the provisions of said act of congress

entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920; and to carry out any other provisions of this act. The above funds are exempt from the provisions of part three, title one, chapter three, article eighteen of the Political Code, relating to the state board of control.

CHAPTER 759.

An act to amend an act entitled "An act to establish police courts in cities of the first and one-half class, to fix the jurisdiction of said courts and to provide for the officers thereof, to prescribe the powers and duties of the officers of said courts and to fix the compensation of certain officers thereof, and to repeal an act entitled 'An act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof' which became a law under the provisions of the constitution of the State of California without the governor's approval on the fifth day of March, 1901, and all acts amendatory of said act or supplementary thereto," approved June 6, 1913, by amending section six thereof, providing for a clerk and deputy clerks for police courts in cities of the first and one-half class, fixing their compensation, providing for their duties and responsibilities, and providing for the care and disposition of moneys in their hands, and their removal and tenure of office.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section six of an act entitled "An act to establish police courts in cities of the first and one-half class, to fix the jurisdiction of said courts and to provide for the officers thereof, to prescribe the powers and duties of the officers of said courts and to fix the compensation of certain officers thereof and to repeal an act entitled 'An act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof' which became a law under the provisions of the constitution of the State of California without the governor's approval, on the fifth day of March, 1901, and all acts amendatory of said act or supplementary thereto," approved June 6, 1913, is hereby amended to read as follows:

Sec. 6. Said police court shall have a clerk and eleven deputy clerks. Said clerk shall be ex officio clerk of the city justices or either of them. Either of said deputy clerks may

Stats. 1917.
p. 417.
amended.

Clerks.

perform any of the duties of clerk of said police court, or either of said justice's courts. Said clerk or one of said deputy clerks shall attend in each department of said court while said department is in session and at such other times as may be necessary for the proper transaction of the business of such department. Any act or duty devolving upon or required to be performed by said clerk may be performed by him through either of said deputies with like validity and effect as though performed by himself.

Election
by judges.

Said clerk and six of said deputy clerks shall be elected by a majority vote of the judges of said court. Each judge shall appoint one deputy clerk and should the position filled by such deputy become vacant such judge shall fill said vacancy by appointment as before. Should the position filled by the clerk or either of the six elected deputies become vacant such vacancy shall be filled by said judges by election as above provided.

Term.

The term of office of said clerk and each of said deputy clerks shall be four years from the date of his appointment; *provided*, that the judges of said court may, by a majority vote, remove said clerk or any deputy for willful neglect of duty or misconduct in office.

Bond.

Said clerk and each of said deputy clerks shall before entering upon the duties of his office give a bond conditioned for the faithful performance of his duties. If such bond is executed by a surety company the city shall pay the premium thereon. Said bonds shall be approved by the mayor and city attorney and filed with the city auditor.

The bond of the clerk shall be in the sum of ten thousand dollars; and that of each deputy in the sum of five thousand dollars.

Salaries.

Said clerk shall receive an annual salary of three thousand dollars, and each deputy clerk shall receive an annual salary of two thousand seven hundred dollars, both payable in equal monthly installments out of the treasury of said city, which salary shall be full compensation for all services rendered by him.

Said clerk and each of said deputy clerks shall, in the performance of their duties, be subject to the orders of said court, and may, by order of the presiding judge, pursuant to the vote of a majority of the judges of said court, be assigned to any department of said court, or any duty required to be performed by a clerk of said court.

Deposit of
money
with city
treasurer.

Any money which is or may come into the hands of the clerk as such clerk and which is not and may not in the regular course of the business of said court become payable into the city treasury, and which has so remained in the hands of said clerk for a period of six months without being claimed by the owner shall by said clerk be deposited with the city treasurer in a special fund subject to the order of said court. At any time within five years from the deposit of any such money with the city treasurer any judge of said police court may, upon satisfactory proof of the ownership of such money or any part

thereof make an order directed to said city treasurer requiring the payment of such money or such part thereof to such owner and the said treasurer shall upon presentation of such order pay said money or part thereof to such owner. Any such money remaining in such fund in the hands of the city treasurer five years from its deposit therein by said clerk shall be reported by said treasurer to the city council of said city and shall be transferred to and become a part of the reserve fund of said city.

Said clerk or either of said deputy clerks while acting as clerk of a department of said court shall keep a record of the proceedings of said court and issue all processes ordered by the city justices or either of them or by said police court, or a judge thereof. Said clerk shall receive and pay into the city treasury all fines imposed and collected by said court and all forfeitures of cash deposited in lieu of bail in said court, and all other moneys which may come into his hands belonging to or payable to said city. He shall also render each month to the city council an exact and detailed account, under oath, of all fines imposed and collected, and of all fines imposed and uncollected since his last report, which said account shall also show the amount of money remaining in his hands at the date of said account, which is or may become payable to said city and has not been deposited with the city treasurer as above required.

Duties of clerk.

With the approval of the city auditor of the city in which said police court is held, said clerk may deposit any money in his hands as such clerk which has not become payable to said city in a bank in a special account, and it shall be the duty of such clerk at any time at the said city auditor's request to give said auditor full information as to the condition of said account.

Said clerk or either of said deputy clerks may prepare and approve bonds and may in the absence of a judge of said court fix the amount of bail to be required of any defendant charged in such court with any offense of which such court has jurisdiction; and may also justify bail, and may administer and certify oaths. Said clerk and his said deputies shall remain at the courtroom or other office of said court during business hours and during such reasonable times thereafter as may be necessary for a proper performance of their duties; and said clerk or one or more of his deputies shall be in attendance at such office at all times for the purpose of fixing and receiving bail and performing such other duties as may be required of him or them.

Before receiving any monthly payment of salary said clerk shall make and file with the city auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands belonging to the city. Any violation of this provision shall be a misdemeanor. Said clerk by himself or deputies shall keep, compile and be the custodians of the dockets, files and records of said court. Said dockets shall in civil cases be kept in conformity to the provisions of sections 911, 912, 913 and 914 of the Code of Civil Procedure of the State

of California. In criminal cases the docket shall contain in each case:

Docket in
criminal
cases.

1. The title of the case;
2. A minute entry of filing of demurrer, if any;
3. A minute entry of any motion to dismiss, or for change of venue, or continuance, or any motion, ruling or order affecting the disposition of the case; and waiver of jury if jury be waived;
4. The plea of defendant;
5. Any order of the court fixing bail or setting time for hearing of demurrer or motion to dismiss, or setting the case for trial;
6. The names of the witnesses sworn and examined at the trial;
7. The verdict;
8. The time set for rendering judgment, if judgment is not pronounced immediately after verdict or plea of guilty; and the waiver of time for sentence if there be such waiver;
9. The judgment;
10. A minute of all motions, rulings and orders made after verdict or judgment;
11. The dates of the various actions or things required to be recorded.

CHAPTER 760.

An act to amend an act entitled "An act providing for the improvement, development, or protection of any harbor, bay, inlet, or other arm of the sea existing within any county of this state, providing for the appointment of a harbor commission by the board of supervisors of any such county to have charge and control of the improvement, development, or protection thereof, and the voting, issuance and sale of the bonds of such county to pay the cost thereof," by amending section two thereof, and adding three new sections to be numbered sections thirteen, fourteen, and fifteen.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats. 1915,
p. 1459.
amended.

SECTION 1. Section two of an act entitled "An act providing for the improvement, development, or protection of any harbor, bay, inlet, or other arm of the sea existing within any county of this state, providing for the appointment of a harbor commission by the board of supervisors of any such county to have charge and control of the improvement, development, or protection thereof, and the voting, issuance and sale of the bonds of such county to pay the cost thereof," approved June 11, 1915, is hereby amended to read as follows:

Sec. 2. The harbor commission shall consist of five members, each of whom shall, at the time of his or her appointment, be and have been for two years a bona fide resident, elector, and freeholder of such county. The harbor commission shall be appointed to serve for the term of four (4) years, and until their successors are appointed and qualified, and any vacancy in the harbor commission shall be filled by appointment by the board of supervisors; *provided, however*, that if, after a careful survey, investigation and examination, the harbor commission shall report to the board of supervisors that the improvement, development or protection of any such harbor is not practicable, or would involve too great an expense, and such report shall be approved by the board of supervisors, the said harbor commission shall thenceforth cease to exist, or if the proposition for the issuance of the bonds of the county for the improvement, development, or protection of such harbor shall, when submitted to the electors, fail to carry by the requisite number of votes, or when any proposed improvement, development or protection of such harbor shall have been completed, and that fact established by a finding of the board of supervisors, the said harbor commission shall cease to exist, unless the board of supervisors shall, by an order entered upon its minutes continue the harbor commission in existence for the purpose of carrying out any additional improvement, development or protection of any such harbor, bay, inlet, or other arm of the sea. When any harbor commission appointed under the provisions of this act shall cease to exist another harbor commission may thereafter be created by the board of supervisors without requiring any new additional petition as is provided for by section one of this act in the first instance, and such harbor commission when so created shall exercise all of the powers and be governed by the provisions of this act as the harbor commission first appointed.

SEC. 2. Three new sections numbered thirteen, fourteen and fifteen, are hereby added to an act entitled "An act providing for the improvement, development, or protection of any harbor, bay, inlet, or other arm of the sea existing within any county of this state, providing for the appointment of a harbor commission by the board of supervisors of any such county to have charge and control of the improvement, development, or protection thereof, and the voting, issuance and sale of the bonds of such county to pay the cost thereof," approved June 11, 1915.

Sec. 13. When any improvement, development or protection of a bay, inlet, or other arm of the sea, commenced under this act shall be accomplished, and the board of supervisors shall continue the harbor commission in existence, or thereafter create another harbor commission, as provided for in section two hereof, such harbor commission shall proceed to examine such harbor, bay, inlet or other arm of the sea in connection with such proposed further or additional improvement, devel-

Harbor
commission.Examination
of new
improve-
ment.

opment or protection thereof and shall provide detail plans and specifications therefor and report to the board of supervisors the practicability and estimated cost thereof. The board of supervisors shall thereupon be vested with all the authority and be charged with all the duties concerning such report, the calling of an election and to cause the bonds of the county to be issued and sold for such further and additional improvement, development or protection equally as in the first instance.

When management passes to supervisors.

Whenever the improvement, development or protection of any such harbor, bay, inlet or other arm of the sea shall have been completed and the harbor commission created under this act shall cease to exist, then the management and control of such harbor in so far as it shall have been improved, developed or protected under this act shall pass to and vest in the board of supervisors of the county; and the future cost and expense of the maintenance of such harbor shall be a charge upon the county.

Appointment of officers and employees.

Sec. 14. The board of supervisors in which the control and management of any harbor, bay, inlet or other arm of the sea shall have vested, as provided for in this act, shall have the power to appoint, define the duties of, and pay, all officers, agents and employees, necessary for the complete control of said harbor, and to make and enforce all necessary and proper regulations for that purpose.

Establishing fees.

Sec. 15. The board of supervisors of any county in which the control and management of any harbor, bay, inlet or other arm of the sea has vested, as provided for in this act, shall have the power to establish all anchorage, wharfage, dock and warehouse fees, and to collect the same and which shall be paid in to a proper fund for the maintenance of said harbor and for its further development, maintenance and protection.

CHAPTER 761.

An act to amend section five hundred fifteen of the Political Code, relating to the salaries of assistants in the office of the superintendent of public instruction.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section five hundred fifteen of the Political Code is hereby amended so as to read as follows:

Salary of deputy superintendent of public instruction.

515. The annual salary of the deputy superintendent of public instruction shall be three thousand dollars. The superintendent of public instruction shall have the power to employ the necessary clerical and expert assistance in addition to statutory employees enumerated in section five hundred fourteen of the Political Code and to fix the compensation of all statutory and other employees except as herein otherwise provided.

CHAPTER 762.

An act providing for and authorizing the Fullerton school district and Orangethorpe school district to ascertain the amount of and adjust the taxes lost to Orangethorpe school district by the inclusion of certain territory within the exterior boundaries of the city of Fullerton.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The board of trustees of Fullerton school district and Orangethorpe school district, grammar school districts existing in the county of Orange, are hereby authorized and empowered to annually ascertain and adjust as between said school districts the amount of taxes lost to Orangethorpe school district through and by the inclusion within the city of Fullerton of certain property heretofore taxed by Orangethorpe school district for school purposes, and when ascertained and adjusted to be paid into the school fund of the county for the use and purposes of Orangethorpe school district.

Adjustment of taxes between Fullerton and Orangethorpe school districts.

CHAPTER 763.

An act to amend sections ten and eleven of the state medical practice act.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section ten of the state medical practice act is hereby amended to read as follows: Applicants for any form of certificate shall file satisfactory evidence of having pursued in any legally chartered school or schools, approved by the board, a course of instruction covering and including the following minimum requirements:

Stats. 1917, p. 99, amended.

Course of instruction.

For a "physician and surgeon certificate."

Physician and surgeon certificate.

Group 1. 775 hours.

Anatomy -----	550 hours
Embryology -----	75 hours
Histology -----	150 hours

Group 2. 620 hours.

Elementary chemistry and toxicology -----	140 hours
Advanced chemistry -----	180 hours
Physiology -----	300 hours

Group 3. 450 hours.	
Elementary bacteriology -----	60 hours
Advanced bacteriology -----	80 hours
Hygiene -----	60 hours
Pathology -----	250 hours
Group 4. 240 hours.	
Materia medica -----	80 hours
Pharmacology -----	105 hours
Therapeutics -----	55 hours
Group 5. 940 hours.	
Dermatology and syphilis -----	45 hours
General medicine and general diagnosis -----	600 hours
Genito-urinary diseases -----	45 hours
Nervous and mental diseases -----	110 hours
Pediatrics -----	140 hours
Group 6. 680 hours.	
Laryngology, otology, rhinology -----	60 hours
Ophthalmology -----	60 hours
Surgery and surgical diagnosis -----	468 hours
Anesthesiology -----	32 hours
Orthopedic surgery -----	30 hours
Physical therapy, including electro-therapy, X-ray, radiography, hydro-therapy -----	30 hours
Group 7. 265 hours.	
Gynecology -----	100 hours
Obstetrics -----	165 hours
Miscellaneous -----	30 hours
Ethics, jurisprudence, etc. -----	30 hours
<hr/>	
Total -----	4,000 hours

Drugless
practitioner
certificate.

For a "drugless practitioner certificate."

Group 1. 600 hours.	
Anatomy -----	485 hours
Histology -----	115 hours
Group 2. 270 hours.	
Elementary chemistry and toxicology -----	70 hours
Physiology -----	200 hours
Group 3. 235 hours.	
Elementary bacteriology -----	40 hours
Hygiene -----	45 hours
Pathology -----	150 hours
Group 4. 370 hours.	
Diagnosis -----	370 hours
Group 5. 260 hours.	
Manipulative and mechanical therapy -----	260 hours
Group 6. 265 hours.	
Gynecology -----	100 hours
Obstetrics -----	165 hours
<hr/>	
Total -----	2,000 hours

For a certificate to practice chiropody.

Certificate to practice chiropody.

Group 1. 117 hours.	
Anatomy -----	78 hours
Histology -----	39 hours
Group 2. 156 hours.	
Chemistry and toxicology -----	78 hours
Physiology -----	78 hours
Group 3. 103 hours.	
Bacteriology -----	39 hours
Hygiene -----	25 hours
Pathology -----	39 hours
Group 4. 44 hours.	
Diagnosis:	
Syphilis -----	20 hours
Dermatology -----	24 hours
Group 5. 215 hours.	
Manipulative and mechanical therapy:	
Didactic and clinical chiropody -----	136 hours
Orthopedics -----	20 hours
Surgery -----	59 hours
Group 6. 29 hours.	
Materia medica and therapeutics -----	29 hours
Total -----	664 hours

For a certificate to practice midwifery.

Certificate to practice midwifery.

Group 1. 150 hours.	
Anatomy -----	75 hours
Physiology -----	75 hours
Group 2. 265 hours.	
Hygiene and sanitation -----	100 hours
Obstetrics -----	165 hours
Total -----	415 hours

In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty (80) per cent of actual attendance shall be required; *provided*, that the hours herein required in any subject need not exceed seventy-five (75) per cent of the number specified, but that the total number of hours in all the subjects of each group shall not be less than the total number specified for such group.

Hours required.

SEC. 2. Section eleven of said act is hereby amended to read as follows:

Stats. 1917, p. 102, amended.

Sec. 11. In addition to above requirements, all applicants for "physician and surgeon certificate" must pass an examination to be given by the board in the following subjects:

Additional requirements for certificate.

1. Anatomy and histology.
2. Physiology.
3. Bacteriology and pathology.

4. Chemistry and toxicology.
5. Obstetrics and gynecology.
6. Materia medica and therapeutics, pharmacology, including prescription writing.
7. General medicine, including clinical microscopy.
8. Surgery.
9. Hygiene and sanitation.

All applicants for "drugless practitioner certificates" must pass an examination in the following subjects:

1. Anatomy and histology.
2. Physiology.
3. General diagnosis.
4. Elementary pathology and elementary bacteriology.
5. Obstetrics.
6. Toxicology and elementary chemistry.
7. Hygiene and sanitation.

Provided, that a person who holds a "drugless practitioner certificate," issued upon satisfactory proof of the course of instruction and minimum requirements demanded in section ten hereof and who presents evidence of having successfully completed the additional courses required for the "physician and surgeon certificate" as hereinbefore provided, shall be permitted to take his examination in subjects required for a "physician and surgeon certificate" without being reexamined in "drugless practitioner" subjects.

The subjects for such examination shall be:

1. Advanced chemistry.
2. Advanced bacteriology and pathology.
3. Surgery.
4. Materia medica and therapeutics, pharmacology, including prescription writing.
5. General medicine, including clinical microscopy.
6. Advanced obstetrics and gynecology.

All applicants for a certificate to practice chiropody must pass an examination in the following subjects:

1. Anatomy and histology.
2. Physiology, chemistry and hygiene.
3. Pathology and bacteriology.
4. Dermatology and syphilis.
5. Orthopedics and surgery.
6. Chiropody and therapeutics.

All applications for a certificate to practice midwifery must pass an examination in the following subjects:

1. Anatomy and physiology.
2. Obstetrics.
3. Hygiene and sanitation.

Character of
examina-
tions.

All examinations shall be practical in character and designed to ascertain the applicant's fitness to practice his profession and shall be conducted in the English language, and at least a portion of the examination in each of the subjects shall be in writing. The board in its discretion upon the submission of satisfactory proof from the applicant that he is unable to

Use of
interpreter.

meet the requirements of the examination in the English language, may allow the use of an interpreter either to be present in the examination room or to thereafter interpret and transcribe the answers of the applicant. The selection of such interpreter is to be left entirely to the board and the expenses thereof to be borne by the applicant, the payment therefor to be made before such examination is held. There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero to one hundred. Each applicant must obtain no less than a general average of seventy five per cent, and not less than sixty per cent in any two subjects; *provided*, that any applicant shall be granted a credit of one per cent upon the general average for each year of actual practice since graduation; *provided, further*, that any applicant for "physician and surgeon certificate" obtaining seventy-five per cent each in seven subjects and any applicant for "drugless practitioner certificate" obtaining seventy-five per cent each in five subjects and an applicant for a certificate to practice chiropody obtaining over seventy-five per cent in seven subjects, and an applicant for a certificate to practice midwifery obtaining seventy-five per cent in one subject, shall be subsequently reexamined in those subjects only in which he failed, and without additional fee. Any person who at any time prior to January 1, 1916, shall pay to the secretary of said board the fee of twenty-five dollars and submits satisfactory proof of good moral character and of a resident one-year course of not less than one thousand hours in a legally chartered school approved by the board and satisfactory proof of three years of actual practice of a drugless system of the healing art, such three years of actual practice to have been in the State of California, shall be admitted to the drugless practitioner examination; *provided, however*, that in the event of a license being granted to such applicant he will not be eligible thereafter for the physician's and surgeon's certificate without a full and complete compliance with the terms and provisions of sections nine and ten hereof. Any one who shall pay the fee of fifty dollars to the secretary of the board prior to January 1, 1916, and submits to the board satisfactory proof of good moral character and proof of six years' actual practice of a drugless system of the healing art, three years of which must have been in the State of California, and satisfactory proof of a resident one-year course of not less than one thousand hours in a legally chartered school approved by the board and upon proof of competency in a drugless system may be granted a certificate to practice a drugless system in this state; *provided, however*, that such licensee shall not be permitted to take the physician's and surgeon's examination without a full and complete compliance with the terms of sections nine and ten hereof.

Average
required.

Admission to
drugless
practitioner
examination.

The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the

Examination
papers kept
on file.

applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board. All questions on any subject in which examination is required under this act shall be provided by the board of medical examiners upon the morning of the day upon which examination is given in such subject, and when it shall be shown that the secretary or any member of the board has in any manner given information in advance of or during examination to any applicant it shall be the duty of the governor to remove such person from the board of medical examiners, or from the office of secretary.

Form of
certificates

All certificates issued hereunder must state the extent and character of practice which is permitted thereunder and shall be in such form as shall be prescribed by the board.

Repealed.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 764.

An act to amend section one thousand seven hundred fifty c of the Political Code, relating to high schools.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand seven hundred fifty c of the Political Code is hereby amended to read as follows:

Special
day and
evening
high school
classes.

1750c. The high school board of any high school district subject to the provisions of section one thousand seven hundred fifty of this code, shall have power to establish and maintain, in connection with any high school under its jurisdiction, special day and evening classes for the purpose of giving instruction in any of the branches of study that may be taught in a high school. These classes may be convened at such hours and for such length of time during the school day or evening, and at such period and for such length of time during the school year as may be determined by said governing authority; and the enrollment of and attendance upon such classes shall be kept separately and the units of average daily attendance shall be determined as provided in section one thousand eight hundred fifty-eight of this code, and shall be added to the high school attendance of the district.

Vocational
courses.

The high school board of any high school district subject to the provisions of section one thousand seven hundred fifty of this code shall have power to establish and maintain, in connection with any high school under its jurisdiction, cooperative part-time vocational courses in agricultural, commercial,

industrial, trade or other vocational subjects. The enrollment of and attendance upon such courses shall be kept separately and the units of average daily attendance, determined as provided in section one thousand eight hundred fifty-eight of this code, shall be added to the high school attendance of the district; *provided*, that each pupil of a class pursuing such a cooperative part-time course in agriculture shall devote, under the direct supervision of a teacher holding a special certificate in agriculture or a vocational certificate in agriculture, at least three hours daily or an equivalent amount of time to farm mechanics and to farm project work conducted by him on a commercially productive basis, and at least three hours daily or an equivalent amount of time to academic work in school or in class, a part of which shall supplement the practical work; *and provided, further*, that each pupil of a class pursuing a cooperative part-time course in commerce, industry, trade, or other vocational subject shall devote, under the direct supervision of a competent teacher holding a vocational certificate in the special subject, at least three hours daily or an equivalent amount of time to educative practical work under employment and at least three hours daily or an equivalent amount of time in school or class to academic work, a part of which shall supplement the practical work. The high school board of any high school district maintaining a part-time agricultural course as provided above may, at its option and in such manner as it may deem advisable, furnish the necessary transportation for teachers of agriculture engaged in supervising the project work of the pupils and may pay any expense so incurred from the county or district high school funds of the district.

CHAPTER 765.

An act to amend sections two and three of an act entitled, "An act to regulate the work and hours of employees engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two of the act entitled, "An act to regulate the work and hours of employees engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for violation thereof,"

Stats. 1907,
p. 273,
amended.

approved February 28, 1905, as amended, is hereby amended to read as follows:

Hours of
labor for
drug
clerks.

Sec. 2. As a measure for the protection of public health, no person employed by any person, firm or corporation, shall for more than nine hours during any one day of twenty-four hours, or fifty-four hours a week of six days a week, perform the work of selling drugs or other medicines, or compounding physicians' prescriptions, in any store, establishment or place of business, where and in which drugs or medicines are sold at retail, and where and in which physicians' prescriptions are compounded; *provided*, that in answering of and attending to emergency calls shall not be construed as a violation of this act.

Stats. 1907,
p. 273,
amended.
Nine-hour
daily
average.

SEC. 2. Section three is hereby amended to read as follows:

Sec. 3. No person, firm or corporation employing another person to do work which consists wholly or in part of selling, at retail, drugs or medicines, or of compounding physicians' prescriptions, in any store, or establishment, or place of business where or in which medicines are sold, and where and in which physicians' prescriptions are compounded, shall require or permit said employed persons to perform such work for more than an average of nine hours during any one day of twenty-four hours, or fifty-four hours a week of six days a week.

CHAPTER 766.

An act to add a new section to be numbered section nineteen x five to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions: establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or

parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith" approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x five, and to read as follows:

19x5. In counties of the fifth class there shall be one probation officer and four assistant probation officers. The salaries of said officers shall be as follows: Probation officer, two thousand seven hundred dollars per annum; one assistant probation officer, two thousand one hundred dollars per annum; one assistant probation officer, one thousand eight hundred dollars per annum; one assistant probation officer, one thousand six hundred eighty dollars per annum; and one assistant probation officer, one thousand three hundred eighty dollars per annum.

CHAPTER 767.

An act to amend sections two, three, and seven of an act entitled "An act regulating the sanitation and ventilation in or at camps where five or more persons are employed; and providing a penalty for the violation thereof," approved May 29, 1913, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two of the act entitled "An act regulating the sanitation and ventilation in or at camps where five Stats. 1919, p. 245, amended.

or more persons are employed; and providing for a penalty for the violation thereof," approved May 29, 1913, as amended, is hereby amended to read as follows:

Air space in
bunkhouse.

Bunks.

Mattresses.

Sec. 2. Every bunkhouse, tent or other sleeping place used for the purpose of a lodging or sleeping apartment in such camp, shall contain sufficient air space to insure an adequate supply of fresh air for each person occupying such bunkhouse, tent or other sleeping place. Suitable bunks or beds shall be provided for all employees. Such bunks or beds shall be made of steel, canvas or other sanitary material, and shall be so constructed as to afford reasonable comfort to the persons occupying same. A clear space of at least twenty inches extending from the floor to the ceiling or roof of any bunk house, tent or other sleeping place, must be allowed between each bed or bunk in any bunk house, tent or sleeping place. Upon request of an employee he must be supplied with a mattress or some equally comfortable bedding for which a reasonable charge may be made, the same to be deducted from his wages. When straw or other substitute for a mattress is used a container or tick must be provided.

Stats. 1915,
D. 498,
amended.

Sanitary
mess house
and dishes.

Sec. 2. Section three of the said act, approved May 29, 1913, as amended, is hereby amended to read as follows:

Sec. 3. Every mess house, dining room, mess tent, dining tent, kitchen or other structure where food is cooked, prepared or served in such camp shall be kept in a clean and sanitary state and the opening of such structures shall be screened. All dishes, cooking utensils, or other vessels in which food is prepared, or kept, or from which food is to be eaten, and all knives, forks, spoons and other implements used in the eating of food must be kept in a clean, unbroken and sanitary condition.

Stats. 1915,
p. 498,
amended.

Enforcement
by com-
mission of
immigration
and housing.

Sec. 3. Section seven of the said act, approved May 29, 1913, as amended, is hereby amended to read as follows:

Sec. 7. The commission of immigration and housing of California shall administer this act and secure the enforcement of the provisions thereof, and for such purposes the officers and agents of the said commission shall have the right to enter upon either public or private property within the state to determine whether or not there exists upon such property any camp to which the provisions of this act may apply; and to enter and inspect all camps within the State of California wheresoever the same may be situated, and to inspect all accommodations, equipment or paraphernalia connected therewith; and to enter upon and inspect all adjacent land surrounding the said or any such camp, to determine whether or not the sanitary and other requirements of this act have been or are being complied with. Any camp coming under the provisions of this act which does not conform to the provisions of this act is hereby declared a public nuisance and if not made to so conform within five days or within such longer period of time as may be allowed by the commission of immigration and housing, after written notice given by the said

commission, shall be abated by proper action brought for that purpose in the superior court of the county in which such camp, or the greater portion thereof, is situated.

For the purpose of securing the enforcement of this act, the officers and agents of the commission of immigration and housing of California shall have the power and authority of sheriffs and other peace officers to make arrests, to serve any process or notice throughout the State of California, and to use such other power and authority as is vested in sheriffs and other peace officers, and as may become necessary in securing the enforcement of this act.

Powers of
peace
officers.

CHAPTER 768.

An act granting to the city of Los Angeles the swamp, overflowed and salt marsh lands of the state within the boundaries of the said city.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the city of Los Angeles, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California in and to all swamp, overflowed and salt marsh lands, whether filled or unfilled, owned by the State of California within the present boundaries of said city, to be forever held by said city, and by its successors, upon the same trusts and conditions, and for the same uses and purposes as the tide lands and submerged lands within its boundaries are held by said city of Los Angeles under grant from the State of California by act approved April 20, 1917, entitled "An act to amend section one of an act entitled 'An act granting to the city of Los Angeles the tide lands and submerged lands of the state within the boundaries of said city,' approved May 1, 1911."

Grant of
lands to
city of
Los Angeles.

CHAPTER 769.

An act to amend section two thousand two hundred seven f of the Political Code, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand two hundred seven f of the Political Code is hereby amended to read as follows:

2207f. The superintendent is the chief executive officer of the home. He must be a man of good education and of good

Superin-
tendent.

moral character and business experience. His salary is three thousand dollars per annum. He must execute an official bond in the sum of five thousand dollars. His powers and duties are as follows:

Powers and
duties.

1. To superintend the grounds, buildings, workshops, manufacturing departments, and property of the home.

2. To certify to the board of directors the number of instructors and employees needed in the manufacturing departments, and to recommend to the board the appointment of suitable persons for these positions;

3. To dismiss any domestic, servant, or person employed at the home, other than an instructor or employee in the manufacturing department, whenever in his judgment the good of the home demands it;

4. To prescribe and enforce the duties of all instructors, employees, domestics, servants, and laborers employed at the home;

5. To admit inmates only upon the certificate of the attending physician, or by order of the board, as hereinafter provided; to control the inmates, and to prescribe and enforce a system of instruction and labor;

6. To suspend any employee or instructor pending a recommendation to the board for his permanent dismissal, and to appoint substitutes during the absence of any or all employees;

7. Pending a recommendation to the board for his final dismissal, to suspend the privileges of, and to remove from the premises, any inmate whose presence appears to be in conflict with the interests of the home. Should any inmate so suspended or removed be in destitute condition, the superintendent must, upon his demand, furnish him with suitable lodgings and board elsewhere, until the decision of the board is made thereon. The bill therefor must be presented to the board for payment, in the same manner as other claims;

8. To reside at the home;

9. To keep a daily record of his official acts in the manner prescribed by the board, and to present the same to the board at each monthly meeting, verified by his oath, in accordance with the blanks furnished by the board for that purpose, and to make in the monthly reports such recommendations as he may deem proper. The monthly report must contain a statement of all stock, goods, and supplies of any nature received at the home during the month;

10. To turn over to the board, at the close of each month, together with the balance sheet, all moneys derived by him from the sale of manufactured goods, and all revenues derived by him from any source whatsoever in behalf of and for the benefit of the home, and to take the secretary's receipt therefor;

11. To make up and present to the board, in the month of July of each year, his annual accounts and statement of the affairs of the home, verified by his oath. The annual statement must be an epitome of the monthly reports, and must contain the number and names of all inmates, officers, and

employees, and their respective dates of admission or beginning of employment, and the respective dates of dismissals made during the year. It must contain a full review of all receipts and expenditures, and an invoice of all goods and stock and supplies on hand. It must contain, also, the average weekly cost of board per capita of all persons residing at the home, without considering the labor credits, and the average annual cost of instruction per capita. It must show clearly the relation of the gross products to the gross cost, and the percentage lacking in order to become self-supporting. For the making up of such statement, the superintendent shall have full access to the secretary's and other books of the home, and such statement must be independent of each and all of the other annual reports;

Powers and
duties.

12. To make requisitions on the board of directors for articles and goods needed at the home, and to order the same as directed by the board. It may, by resolution spread upon its minutes, authorize the superintendent, in case of emergency, to make purchase of material and supplies for the home without such previous requisition. He must, in addition, perform such further services as may be required of him by the board.

CHAPTER 770.

An act to add a new section to be numbered section nineteen x forty-one to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts

of acts inconsistent herewith." approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Juvenile
court
law.

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x forty-one and to read as follows:

Counties of
41st class,
salary of
probation
officer.

Sec. 19x41. In counties of the forty-first class there shall be one probation officer whose salary shall be twenty-five dollars per month.

CHAPTER 771.

An act to amend chapter one of title five of part three of the Political Code, relating to state hospitals, and the care, custody, apprehension and commitment of insane and other incompetent persons, by amending sections two thousand one hundred forty-four, two thousand one hundred fifty-three, two thousand one hundred fifty-three a, two thousand one hundred sixty-seven a, two thousand one hundred seventy-two, two thousand one hundred seventy-six, two thousand one hundred seventy-eight, two thousand one hundred eighty, two thousand one hundred eighty-one, two thousand one hundred ninety-one, and two thousand one hundred ninety two thereof, and adding thereto new sections to be numbered two thousand one hundred

forty-one a, two thousand one hundred seventy-six a, two thousand one hundred seventy-eight a, and two thousand one hundred eighty-one b.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand one hundred forty-four of the Political Code is hereby amended to read as follows:

2144. The authorities for the several hospitals must furnish to the commission the facts mentioned in subdivision seven of section two thousand one hundred forty-two and such other obtainable facts, as the commission may from time to time in the discharge of its duties require of them, with the opinion of the superintendent thereon, if requested. The superintendent or other person in charge of a hospital, must, within ten days after the admission of any person thereto, cause an abstract of the medical certificate and order on which such person was received and a list of all property and books, and papers of value found in the possession of or belonging to such persons to be forwarded to the office of the commission, and when a patient or inmate is discharged, transferred or dies, such superintendent or person in charge, must, within three days thereafter, send the information to the office of the commission, in accordance with the form prescribed by it.

Information
to be
furnished
to lunacy
commission.

SEC. 2. Section two thousand one hundred fifty-three is hereby amended to read as follows:

2153. The medical superintendent of each hospital is its chief executive officer. In his absence or sickness the first assistant physician or other medical officer designated by the medical superintendent, or by the commission, must perform his duties and be subject to his responsibilities. Subject to the rules and regulations established by the board of managers, the medical superintendent has general superintendence of all buildings, together with their furniture, fixtures, and stock, and the direction and control of all persons therein, and must:

Duties of
medical
superin-
tendent.

1. Personally maintain an effective supervision and inspection of all parts of the hospital, and generally direct the care and treatment of the patients and inmates. To this end the superintendent must personally examine the condition of each patient or inmate within five days after his admission to the hospital and must visit all the wards or apartments for patients or inmates at such times as the rules and regulations of the hospital prescribe;

2. The superintendent of the home for feeble-minded must, on or before the fifth day of each month, prepare a true and correct report, verified by oath, of all inmates supported, cared for, trained, and educated in such hospital for the preceding month, and whose support, care, training, and education in such hospital are provided to be paid for by the several counties

whence they came. This report must give the names and counties from which committed of all such inmates, and the name of the committing judge. Copies of this report must be filed in the offices of the state board of control, the controller, the treasurer of state, and state commission in lunacy, but must not be printed, or used, nor permitted to be used, for any other purpose than the special information of the officers designated. The superintendent must also, within the time above designated, prepare a report, verified by his oath, showing substantially the facts set forth in the above report, which must be filed with the county auditors of the several counties from which the commitments have been made to the institutions, showing the name of each inmate supported, and for which such county is liable to the state for support and maintenance.

3. The superintendent of the home for feeble-minded must, annually, after the close of the fiscal year, and before the date at which the managers are required to make their annual report, make to the managers a report, giving the name, age, sex, nativity, residence, and date of reception of each pupil in the institution within the preceding year, and, as far as can be ascertained, the causes of imbecility; also the number discharged, with the date and reason therefor in each case, together with the name of each paying pupil, and the amount charged for him, and the amounts paid or unpaid; and also such other information and suggestions as may seem proper; which report must be kept on file in the office of the secretary of the board, but must not be printed.

SEC. 3. Section two thousand one hundred fifty-three *a* of the Political Code is hereby amended to read as follows:

2153*a*. The medical superintendent of each hospital must appoint, by and with the consent of the board of managers:

1. A supervisor, matron, and business manager, and all employes, none of whom must be his relatives, or that of any member of the board of managers, either by consanguinity or marriage, who shall be subject to such examination as he deems for the best interest of the hospital, the questions to be prepared by the general superintendent, subject to the approval of the commission;

2. Such assistant physicians and internes as may be determined by the commission. Such assistant physicians and internes must be graduates of incorporated medical colleges, well educated in their profession, who have received a certificate from the state board of medical examiners, and of good moral character;

3. Where there are first and second assistant physicians, the first assistant physician must have had two years' actual experience, and the second assistant physician one year's actual experience in the care and treatment of the insane;

4. From and after the first day of July, A. D. 1905, whenever an additional assistant physician is appointed in any state hospital for the care and treatment of the insane or the California Home for the Care and Training of the Feeble-Minded

Children at Eldridge, Sonoma county, the appointment of such additional assistant shall be so made that at least one physician in each of said state hospitals and said home shall be a woman;

5. No appointment of any person as first, second, or other assistant physician or interne shall be effective for any purpose unless such person shall pass or has passed an examination touching his qualifications for such position in all the different branches of medicine and surgery, and especially of diseases affecting the mind and nervous system. Such examination shall be conducted by the medical superintendent on questions prepared by the general superintendent and by such medical superintendents as may be designated by the commission, subject to the approval of the commission. The passing of an examination for a given position in any state hospital shall qualify any person for a similar position in any other state hospital;

Examina-
tions.

6. At the homeopathic state hospital all assistant physicians and internes besides possessing the qualifications herein prescribed, must be graduates of an incorporated homeopathic medical college;

7. The medical superintendent must: Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity, and economy in every department of labor and expenses;

Duties of
superin-
tendent.

8. Maintain salutary discipline among all who are employed in the institution, and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital;

9. Cause full and fair accounts and records of the entire business and operations of the hospital to be kept regularly, from day to day, in books or form provided for that purpose.

10. See that all such accounts and records are fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, are presented to the managers within thirty days thereafter, who must incorporate them in their report to the commission.

11. Keep a record, in which he must cause to be entered at the time of reception of any patient, his name, residence, and occupation, and the date of such reception, by whom brought and by what authority, and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying such person.

12. To prepare and keep the pay rolls of the hospital, and collect all moneys; keep the accounts for the support of the patients, and expenses incurred in their behalf; furnish the treasurer statements thereof as they fall due; turn all moneys collected over to the treasurer, and report same to the board of managers at each meeting; notify the treasurer of the death or discharge of reimbursing or pay patients, within five days after such death or discharge.

13. Prepare triplicate estimates of the amount, kind, and quality of furniture and household furnishing goods, pro-

Duties of
superin-
tendent.

visions, fuel, forage, clothing or material for clothing, and other material required for the twelve months ending June thirtieth of each year, which must be approved by the board of managers, unless a different time is allowed by the commission. He must submit two of the triplicate estimates to the commission, and file the third in his office. The commission may revise the estimates for supplies, either as to quality or quantity thereof, and must certify that it has carefully examined the same, and that the articles contained in such estimate, as approved by it, are actually required for the use of the hospital; whereupon, after having approved the estimates, the commission must, beginning upon the fifteenth day of the month preceding the month in which contracts are to be let, advertise for four successive weeks, for contracts for furnishing such supplies; said advertising being in brief, referring to the class of supplies and the fact that all contemplated bidders can receive schedules by applying to the superintendents or secretaries of the various hospitals, or the state commission. All contracts must be awarded to the lowest responsible bidder, or bidders, upon their giving to the board of managers a bond amounting to one-fourth of their actual bids, as security for the faithful performance of the same. The board of managers reserves the right to reject any and all bids submitted to them;

14. Prepare monthly triplicate estimates, as approved by the board of managers, two of which must be submitted to the commission, and the other filed in the superintendent's office, for necessary expenditures required for the hospital of which he is superintendent, for the ensuing month. The commission may revise these estimates for supplies, either as to quality, quantity, or price thereof, and must certify that they have been carefully examined, and that the articles contained in such estimates, as approved by it, are actually required for the use of the hospital; whereupon the board of managers must direct its superintendent to secure the supplies according to the approved estimates.

15. Submit to the commission monthly statements of all collections for maintenance of pay patients at said hospital on forms approved, prescribed and furnished by the commission.

16. Shall immediately examine the statement of maintenance accounts of pay patients at said hospital as submitted by the secretary of the commission and report forthwith to the commission as to its correctness.

17. Whenever the board and maintenance account of a pay patient becomes delinquent for a period of three months, then the medical superintendent shall forthwith cause to be made a special report to the commission of such case and furnish to the commission all data in his possession concerning such case.

SEC. 4. Section two thousand one hundred sixty-seven a of the Political Code is hereby amended to read as follows:

2167a. The superior judge of each county, or city and county, may grant certificates in accordance with the form prescribed by the commission, showing that the persons named therein are reputable physicians and graduates of incorporated medical colleges, and have been in active practice of their profession at least five years, and when certified copies of such certificates have been filed with the commission, the latter shall issue to such persons certificates or commissions, and the persons therein named become known as "medical examiners," and there must at all times be at least two such medical examiners in each county. Such certificate may be revoked by the commission for incompetency or neglect, and shall not be again granted without the consent of the commission.

SEC. 5. Section two thousand one hundred seventy-two of the Political Code is hereby amended to read as follows:

2172. The insane person, together with certified copies of the affidavit, warrant of arrest, and of the order for hearing and examination, the order and accompanying statement of the judge and the certificate of the physicians, must be delivered to the sheriff of the county, and by him must be delivered to the officer in charge of the hospital to which such person is committed; but no female insane person shall be taken to any hospital without the attendance of some other female or of some relative of such insane person.

Any moneys found on the person of an insane person at the time of arrest must be certified to by the judge, and sent with such person to the hospital, there to be delivered to the medical superintendent and by him deposited in a fund to be known as the patients' personal deposit fund.

If the sum exceed one hundred dollars, the excess must be applied to the payment of the maintenance and medical attendance of such person while in the hospital; if the sum is one hundred dollars or less, it may be expended for the personal expenses of the person or applied to the payment of funeral expenses if the person dies at the hospital.

SEC. 6. Section two thousand one hundred seventy-six of the Political Code is hereby amended to read as follows:

2176. The husband, wife, father, mother, or children of an insane person or inebriate, and the guardian of his estate, must cause him to be properly and suitably cared for and maintained, and must pay the costs and charges of his commitment and transportation to a state hospital for the insane or inebriates. The husband, wife, father, mother, or children of an insane person or inebriate, or the estate of such insane person or inebriate, shall be liable for the care, support and maintenance of any insane person or inebriate in a state hospital to which he has been or may hereafter be committed or transferred, and it is hereby made the duty of the commission to make collections of all of the aforesaid costs and charges, and charges for the care, support and maintenance

of any insane person or inebriate in a state hospital, or to see that they are collected.

Investigation by commission.

The commission shall, following the admission of a patient into a state hospital for the insane or into the Sonoma State Home, cause an investigation to be made to determine what monies, property, or interests in property, if any, the patient may have, and whether he has a duly appointed and acting guardian to protect his property and his property interests. The commission shall also make an investigation to determine whether the patient has any relative or relatives as mentioned in this section, and who are herein made responsible for payment for the care, support and maintenance of such patient, and for the payment of the costs of commitment and transportation, and shall ascertain the financial condition of such relative or relatives, to determine whether in each case such relative or relatives are in fact financially able to pay such charges. All reports in connection with such investigations, together with the findings of the commission, shall be records of the commission, and may be inspected by interested relatives, their agents, or representatives at any time upon application.

SEC. 7. Section two thousand one hundred seventy-eight of the Political Code is hereby amended to read as follows:

Duties of district attorneys.

2178. The commission shall prepare, have printed, and furnish the district attorney in each county of the state with uniform blank forms upon which to report information in connection with the ability of the person committed to a state hospital, and the relatives of such person liable for his maintenance under Section 2176 of the Political Code, to pay the charges of commitment and costs of maintenance while at a state hospital. The district attorney in each county in which an order of commitment is made must, on the filing of a copy of such order with the county clerk, make diligent inquiry into the ability of the person committed, or the relatives above mentioned, to pay the charges and costs of his maintenance and care while in a state hospital and make a report to the secretary of the commission of the result of such inquiry in accordance with the forms furnished by the commission.

SEC. 8. Section two thousand one hundred eighty of the Political Code is hereby amended to read as follows:

Monthly rate for insane at hospitals.

2180. The monthly rate for the care, support, and maintenance of all insane patients at state hospitals for the insane, where there is liability to pay for such care, support, and maintenance, shall be twenty dollars per month payable in advance; *provided, however*, the medical superintendent of a state hospital for the insane shall, on the order of the commission, reduce or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of any insane person committed thereto and confined therein, on satisfactory proof that said estate or said relatives, as the case may be, are unable to pay the said sum of twenty dollars per month. If any insane person die at

any time, while his estate is liable for his care, support, and maintenance and other expenses at a state hospital, the claim for such amount as may be due, may be presented to the executor or administrator of his estate and paid in the same manner as are other debts and claims against the estate of a deceased person.

SEC. 9. Section two thousand one hundred eighty-one of the Political Code is hereby amended to read as follows:

2181. If said insane person has sufficient estate for the purpose, it shall be the duty of the guardian of his estate to pay for his care, support, maintenance and necessary expenses at the hospital to the extent of the estate. Payment for said care, support, maintenance and expenses may be enforced by the order of the judge of the superior court where said guardianship proceedings are pending. On the filing of a petition therein by the secretary of the commission, showing that said guardian has failed, refused or neglected to pay for said care, support, maintenance and expenses, the court, by order, shall direct the payment by the guardian. Such order may be enforced in the same manner as are other orders of the court. If there is not at any time sufficient money on hand in the estate of said insane person to pay the claim of a state hospital for the care, support, maintenance and expenses of said insane person therein, the court may, on petition of the guardian of the estate, or if said guardian fails, refuses or neglects to apply, on the petition of the secretary of the commission, make an order directing the guardian to sell so much of the other personal or real estate or both, of said insane person as may be necessary to pay for the care, support, maintenance, and expenses of said insane person at said hospital. From the proceeds of such sale, the guardian shall pay the amount due for the care, support, maintenance, and expenses at said hospital, and also such other charges as are allowed by law; *provided, however*, payment for the care, support, maintenance, and expenses of any insane person at a state hospital shall not be exacted when such payment will, in any case, where there is a likelihood of such insane person recovering or being released from said hospital, reduce his estate to that extent, in the event of his discharge from the hospital, he is likely to become a burden on the community; but if a certificate from the medical superintendent of the state hospital in which such insane person is confined as a patient is filed in the office of the county clerk with the papers in the guardianship proceedings of such patient, in which certificate said medical superintendent shall state that said patient is suffering from a chronic form of insanity, and that in his opinion a recovery is beyond reasonable hope and that said patient will in all probability continue to be a charge in a state hospital until death, such certificate shall be prima facie evidence that said patient is not likely to recover or to be released from said hospital, and said guardian shall pay the amount

due for the care, support, maintenance and expenses at said hospital and such other charges as are allowed by law out of any moneys of said estate in his possession.

SEC. 10. Section two thousand one hundred ninety-one of the Political Code is hereby amended to read as follows:

Return of
issue
persons to
other state
or county.

2191. It shall be the duty of the commission to cooperate with the United States Bureau of Immigration in arranging for the deportation of all alien public charges who are now confined in or may be hereafter admitted or committed to any state hospital.

The commission shall also return all nonresident public charges, who are now confined in or who may be hereafter admitted or committed to any state hospital, to the state or states in which they may have a legal residence. For the purpose of facilitating the return of such persons the said commission may enter into reciprocal agreements with the proper boards, commissions, or officers of other states for the mutual exchange of such public charges now confined in or hereafter admitted or committed to any state hospital in one state whose legal residence is in the other, and it is authorized and empowered to give written permission for the return of any resident or residents of California now confined in a public institution in another state, corresponding to any institution coming within the definition of state hospitals for the insane.

Who are
residents
of state.

A person shall be deemed to be a resident of this state within the meaning of this act who shall have lived continuously in the state for a period of one year and who has not acquired a residence in another state by living continuously therein for at least one year subsequent to his residence in this state; *provided, however*, that the time spent in a public institution or on parole therefrom shall not be counted in determining the matter of residence in this or another state.

Expenses.

All expenses incurred in returning such persons to another state shall be paid by the State of California, but the expense of returning residents of this state shall be borne by the state making the return.

The cost and expense incurred in effecting the transportation of such persons shall be paid from the funds appropriated for that purpose, or from the money appropriated for the care of the insane or incompetent, as may be necessary, upon vouchers approved by the state board of control.

SEC. 11. Section two thousand one hundred ninety-two of the Political Code is hereby amended to read as follows:

Petition to
commit
imbecile,
etc., to
home.

2192. Whenever any parent, guardian, or other person charged with the support of an imbecile or feeble-minded person, or any idiot, or epileptic who is not insane, desires him to be admitted into the home for feeble-minded, he may petition the superior court of the county in which he resides, for an order admitting such person to such hospital. The judge must inquire into the condition or status of such person, and if he finds him to be an imbecile, feeble-minded person, idiot or

epileptic, and that he has been a resident of the state for one year next preceding the presentation of the petition, such judge must make an order that he be received, maintained, and educated in such hospital. and on the presentation of such order the superintendent must receive him therein, if the hospital is not already full, or the fund available for its support exhausted; but the imbecile, feeble-minded person, idiot, or epileptic, need not be received if, in the judgment of the management of the hospital or the commission, he is not a suitable subject for admission thereto. The judge must inquire into the financial condition of the parent, guardian, or other person charged with the support of any such person, and if he finds him able, in whole or in part, to pay its expenses at such hospital, he must make a further order requiring such parent, guardian, or other person charged with the support of such person to pay to the hospital at stated periods such sums as, in the opinion of the judge, are proper during such time as the person may remain in such hospital. This order may be enforced by such further orders as the judge deems necessary, and may be varied, altered, or revoked in his discretion, and the board of managers may, with the approval of the commission, cause the peremptory discharge of any person who has been an inmate or patient for the period of one month. For each child or other person committed to such home there shall be paid by the county from which he is committed to the state treasury the sum of twenty dollars monthly for and during each month, or part of month, such person so committed remains an inmate of the hospital, in case the payments herein provided to be made by the parent, guardian, or other person charged with the support of any such person shall not be made.

SEC. 12. A new section is hereby added to the Political Code, to be numbered two thousand one hundred forty-one *a*, and to read as follows:

2141*a*. The commission and each member thereof and its secretary shall have power to administer oaths, certify to all official acts and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state. Each witness who shall appear by order of the commission or a member thereof, or its secretary, shall be entitled to receive, if demanded, for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed, unless otherwise ordered by the commission. When any witness who has not been required to attend at the request of any party is subpoenaed by the commission, his fees and mileage may be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid. Any witness subpoenaed, except one whose fees and mileage may be paid from the funds of the commission, may, at the

time of service, demand the fee for which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service and they are not at that time paid or tendered, he shall not be required to attend before the commission, member thereof, or its secretary, as directed in the subpoena. All fees or mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable. The superior court in and for the county or city and county in which any inquiry, investigation, hearing or proceeding may be held by the commission or any member thereof, or its secretary, shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, including books, accounts and documents, as required by any subpoena issued by the commission, or member thereof, or its secretary. The commission, or the member thereof, or its secretary, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county or city and county in which the proceeding is pending by petition setting forth that due notice has been given of the time and place of attendance of said witness or the production of said papers, and that the witness has been subpoenaed in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court compelling the witness to attend and testify or produce said papers before the commission or member thereof, or its secretary. The court upon the petition of the commission or such member thereof, or its secretary, shall enter an order directing the witness to appear before the court, at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he had not attended and testified or produced said papers before the commission, member thereof, or its secretary. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission, or member thereof, or its secretary, the court shall thereupon enter an order that said witness appear before the commission, or member thereof, or its secretary, at a time and place to be fixed in such order, and testify or produce the required papers, and upon failure to obey said order said witness shall be dealt with as for contempt of court. The remedy provided for in this section is cumulative and shall not be construed to impair or interfere with the power of the commission, or a member thereof, or its secretary, to enforce the attendance of witnesses and the production of papers and to punish for contempt in the same manner and to the same extent as courts of record.

If witness
refuses to
attend.

SEC. 13. A new section is hereby added to the Political Code, to be numbered two thousand one hundred seventy-eight *a*, and to read as follows:

2178*a*. The commission shall prepare, have printed and furnish each county clerk of the state with uniform blank forms upon which to report to the commission the filing of a petition for letters of guardianship of any insane or incompetent person, the name and address of the incompetent person, and the name and address of the petitioner, and the name and address of his attorney, and the time and place fixed for hearing the petition. And the county clerk in each county in which a petition for letters of guardianship of an insane or incompetent person is filed, on the filing of such petition with the county clerk, shall report to the secretary of the commission the name of the insane or incompetent person, the name and address of the petitioner and his attorney, and the time and place fixed for the hearing of said petition, upon the forms furnished by the commission. Blank forms.

SEC. 14. A new section is hereby added to the Political Code, to be numbered two thousand one hundred eighty-one *b*, and to read as follows:

2181*b*. The guardian of the estate of an insane person who is confined in a state hospital may, from time to time, pay to the state hospital moneys out of such estate to be used for the future personal needs of such insane person while in a state hospital and for burial expenses, such sums so paid to be credited to the patient's personal deposit account. Payments by guardian.

CHAPTER 772.

An act defining corporations for the purpose of engaging in international or foreign banking or other international or foreign financial operations or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions and to act when required by the secretary of the treasury of the United States as fiscal agents of the United States; providing for the incorporation, powers and supervision of such corporations, and providing for the licensing by the superintendent of banks of foreign corporations to transact in this state the business of a corporation defined and organized by this act.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. When authorized by the previous written consent of the superintendent of banks as provided by section one twenty-seven of the "bank act" of California three or more persons may organize a corporation for the purpose of engag- International or foreign banking corporations.

ing in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this act, and to act when required by the secretary of the treasury of the United States as fiscal agents of the United States.

Articles of
incorporation.

Such persons shall execute articles of incorporation which shall specify in general terms the objects for which the association is formed and may contain any other provisions not inconsistent with law which the corporation may see fit to adopt for the regulation of its business and the conduct of its affairs.

Organization
certificate.

Such articles of incorporation shall be signed by all of the persons intending to participate in the organization of the corporation and, thereafter, shall be forwarded to the superintendent of banks and shall be filed and preserved in his office. The persons signing the said articles of incorporation shall, under their hands, make an organization certificate which shall specifically state:

First—The name assumed by such corporation, which shall be subject to the approval of the superintendent of banks.

Second—The place or places where its operations are to be carried on.

Third—The place in the State of California where its main office is to be located.

Fourth—The amount of its capital stock and the number of shares into which the same shall be divided.

Fifth—The names and places of business or residence of the persons executing the certificate and the number of shares to which each has subscribed.

Sixth—The fact that the certificate is made to enable the persons subscribing the same, and all other persons, firms, companies, and corporations, who or which may thereafter subscribe to or purchase shares of the capital stock of such corporation, to avail themselves of the advantages of this act.

Powers of
corporation.

Each corporation so organized shall have power, under such rules and regulations as the superintendent of banks may prescribe:

Purchase
notes,
securities,
etc.

(a) To purchase, sell, discount, and negotiate, with or without its indorsement or guaranty, notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase and sell, with or without its indorsement or guaranty, securities, including the obligations of the United States or of any state thereof but not including shares of stock in any corporation except as herein provided; to accept bills or drafts drawn upon it subject to such limitations and restrictions as the superintendent of banks may impose; to issue letters of credit; to purchase and sell coin, bullion, and exchange; to borrow and to lend money; to issue debentures, bonds, and promissory

notes under such general conditions as to security and such limitations as the superintendent of banks may prescribe, but in no event having liabilities outstanding thereon at any one time exceeding ten times its capital stock and surplus; to receive deposits outside of the United States and to receive only such deposits in this state or in any other state of the United States as may be incidental to or for the purpose of carrying out transactions in foreign countries or dependencies or insular possessions of the United States; and generally to exercise such powers as are incidental to the powers conferred by this act or as may be usual, in the determination of the superintendent of banks, in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business and not inconsistent with the power specifically granted herein. Nothing contained in this act shall be construed to prohibit the superintendent of banks, under his power to prescribe rules and regulations, from limiting the aggregate amount of liabilities of any or all classes incurred by the corporation and outstanding at any one time. Whenever a corporation organized under this section receives deposits in the United States authorized by this act it shall carry reserves in such amounts as the superintendent of banks may prescribe, but in no event less than 10 per centum of its deposits.

(b) To establish and maintain for the transaction of its business branches or agencies in foreign countries, their dependencies or colonies, and in any state of the United States, and in the dependencies or insular possessions of the United States, at such places as may be approved by the superintendent of banks and under such rules and regulations as he may prescribe, including any state of the United States, or countries or dependencies not specified in the original organization certificate. Establish branches.

(c) With the consent of the superintendent of banks to purchase and hold stock or other certificates of ownership in any other corporation organized under the provisions of this act, or under the laws of any foreign country or a colony or dependency thereof, or under the laws of any state, dependency or insular possession of the United States but not engaged in the general business of buying or selling goods, wares, merchandise, or commodities in the United States, and not transacting any business in the United States except such as in the judgment of the superintendent of banks may be incidental to its international or foreign business: *provided, however,* that, except with the approval of the superintendent of banks, no corporation organized hereunder shall invest in any one corporation an amount in excess of 10 per centum of its own capital and surplus, except in a corporation engaged in the business of banking, when 15 per centum of its capital and surplus may be so invested: *provided, further,* that no corporation organized hereunder shall purchase, own, or hold stock or certificates of Purchase stock of other corporations.
Limitation.

ownership in any other corporation organized hereunder or under the laws of any state which is in substantial competition therewith, or which holds stock or certificates of ownership in corporations which are in substantial competition with the purchasing corporation.

Nothing contained herein shall prevent corporations organized hereunder from purchasing and holding stock in any corporation where such purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired in corporations organized under this act shall within six months from such purchase be sold or disposed of at public or private sale unless the time to so dispose of same is extended by the superintendent of banks as provided by section thirty-seven of the "bank act" of California.

No business
in U. S.

No corporation organized under this act shall carry on any part of its business in the United States except such as, in the judgment of the superintendent of banks, shall be incidental to its international or foreign business; *and provided, further*, that except such as is incidental and preliminary to its organization no such corporation shall exercise any of the powers conferred by this act until it has been duly authorized by the superintendent of banks to commence business as a corporation organized under the Civil Code of California and the provisions of this act.

Not to fix
price of
commodities.

No corporation organized under this act shall engage in commerce or trade in commodities except as specifically provided in this section, nor shall it either directly or indirectly control or fix or attempt to control or fix the price of any such commodities. The license of any corporation violating this provision shall be subject to forfeiture in the manner hereinafter provided in this act. It shall be unlawful for any director, officer, agent, or employee of any such corporation to use or to conspire to use the credit, the funds, or the power of the corporation to fix or control the price of any such commodities, and any such person violating this provision shall be liable to a fine of not less than one thousand dollars and not exceeding five thousand dollars or imprisonment not less than one year and not exceeding five years, or both, in the discretion of the court.

Capital
stock.

No corporation shall be organized under the provisions of this act with a capital stock of less than two million dollars, one-quarter of which must be paid in before the corporation may be authorized to begin business, and the remainder of the capital stock of such corporation shall be paid in installments of at least ten per centum of the whole amount to which the corporation shall be limited as frequently as one installment at the end of each succeeding two months from the time of the commencement of its business operations until the whole of the capital stock shall be paid in. The right of every corporation organized under the provisions of this act to increase or decrease its capital stock, to change the number of its direc-

tors, to amend its articles of incorporation, to change its principal place of business, or its name, to extend its corporate existence, or to effect any other organic change shall be governed by the general corporation laws of this state and by the "bank act," and the procedure to effect any such change shall be that defined by the general corporation laws and the "bank act." Any bank may invest in the stock of any corporation organized under the provisions of this act, but the aggregate amount of stock held in all corporations engaged in business of the kind described in this act and in section fifty-eight of the "bank act" of California as amended shall not exceed ten per centum of the subscribing bank's capital and surplus.

- A majority of the shares of the capital stock of any such corporation shall at all times be held and owned by citizens of the United States, by corporations the controlling interest in which is owned by citizens of the United States, chartered under the laws of the United States or of a state of the United States, or by firms or companies, the controlling interest in which is owned by citizens of the United States.

Ownership
by U. S.
citizens.

Whenever it shall appear to the superintendent of banks that any corporation organized under the provisions of this act has violated the provisions of its articles of incorporation or any law of this state, or is conducting its business in an unsafe or unauthorized manner, or if the capital of any such corporation is impaired, or if any such corporation shall refuse to submit its books, papers and concerns to the inspection of any examiner of the state banking department of California or if any officer thereof shall refuse to be examined upon oath touching the concerns of any such corporation or if any such corporation shall suspend payment of its obligations, or if from any examination or report provided for by this act the superintendent of banks shall have reason to conclude that such corporation is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, or if any such corporation shall neglect or refuse to observe any order of the superintendent of banks specified in sections one hundred thirty-three or one hundred thirty-four of the "bank act" of California, the superintendent of banks may forthwith take possession of the property and business of such corporation and retain such possession until such corporation shall resume business, or its affairs be finally liquidated as provided by law for the liquidation of banks.

Superintendent
of
banks to
take possession
when.

No corporation organized under the provisions of this act shall deposit any of its funds with any other moneyed corporation unless such other corporation has been nominated and designated as such depository as provided by section forty-three of the "bank act" of California; *provided, however*, that this limitation shall not apply to the deposit of funds by such corporation with another moneyed corporation, which owns all or a majority of the capital stock of such corporation.

Deposit of
funds.

Not to own
its own
stock

No corporation provided hereunder shall be the holder of any shares of its own capital stock unless such stock shall have been taken to prevent loss upon a debt previously contracted in good faith, and stock so acquired shall, within six months from the time of its acquisition, be sold or disposed of at public or private sale; nor shall it, either directly or indirectly, make any discount to any person for the purpose of enabling him to pay for or hold shares of its stock either subscribed for or purchased by him. Any corporation organized under the provisions of this act making any such discount shall forfeit to the people of the state twice the amount of such discount.

True entry
of assets.

No corporation organized under the provisions of this act shall by any system of accounting or any device of bookkeeping, directly or indirectly enter any of its assets upon its books in the name of any other individual, partnership, unincorporated association or corporation, or under any title or designation that is not truly descriptive thereof.

Methods of
keeping
books.

Every corporation organized hereunder shall conform its methods of keeping its books and records to such orders in respect thereto as shall have been made and promulgated by the superintendent of banks. Any corporation organized hereunder that refuses or neglects to obey such order shall be subject to a penalty of one hundred dollars for each day it so refuses or neglects.

Communica-
tions from
superintend-
ent of
banks.

Each official communication directed by the superintendent of banks to a corporation organized under the provisions of this act or to any officer thereof, relating to an examination or investigation conducted by the state banking department or containing suggestions or recommendations as to the conduct of the business of such corporation, shall be submitted by the officer receiving it, to the board of directors at the next meeting of such board, and duly noted in the minutes of the meetings of such board.

Annual
report.

On or before the first day of February in each year, each corporation organized under the provisions of this act and every foreign corporation licensed by the superintendent of banks to transact the business of such a corporation in this state, shall make a written report to the superintendent of banks which shall contain a statement of its condition on the morning of the first day of January in said year and shall be in the form and contain the matters prescribed by the superintendent of banks. The superintendent of banks may, however, in his discretion, accept from a corporation organized hereunder, which has branches in a foreign country or countries, a report containing a statement of its condition as of a date not later than the first day of January and not earlier than the first day of November in the preceding year. Every such report shall be verified by the oaths of the two principal officers in charge of the affairs of such corporation organized under the provisions of this act or foreign corporation at the time of such verification, which shall state that the report is true and

correct in all respects to the best of the knowledge and belief of the persons verifying it, and that the usual business of such corporation or foreign corporation has been transacted at the location required by this act and not elsewhere.

Every such corporation organized hereunder and foreign corporation shall also make such other special reports to the superintendent of banks as he may from time to time require, which shall be in such form and filed at such date as may be prescribed by the superintendent of banks and shall, if required by him, be verified in such manner as he may prescribe. Special reports.

If any such corporation organized hereunder or foreign corporation shall fail to make any report required by this act on or before the day designated for the making thereof, or shall fail to include therein any matter required by the superintendent of banks, it shall forfeit to the people of the state the sum of one hundred dollars for every day that such report shall be delayed or withheld, and for every day that it shall fail to report any such omitted matter, unless the time therefor shall have been extended by the superintendent of banks. Penalty for failure to make report.

Every corporation organized under the provisions of this act shall hold a meeting of its stockholders annually upon a date fixed in its by-laws, such meeting to be held at its main office in this state. Every such corporation shall keep at its main office books containing the names of all stockholders thereof, and the names and addresses of the members of its board of directors, together with copies of all reports made by it to the superintendent of banks. Every such corporation shall make reports to the superintendent of banks at such times and in such form as he may require; and shall be subject to examination once a year and at such other times as may be deemed necessary by the superintendent of banks by examiners appointed by him, the cost of such examinations to be fixed by the superintendent of banks and to be paid by the corporation examined. Annual meeting of stockholders.

The directors of any corporation organized under the provisions of this act may, semiannually, declare a dividend of so much of the net profits of the corporation as they shall judge expedient; but each corporation shall, before the declaration of a dividend, carry one-tenth of its net profits of the preceding half year to its surplus fund until the same shall amount to twenty per centum of its capital stock. Dividends.

No officer, director, clerk or other employec of any corporation organized under the provisions of this act, and no person in any way interested or concerned in the management of its affairs, shall as individuals discount, or directly or indirectly, make any loan upon any note or other evidence of debt, which he shall know to have been offered for discount to such corporation, and to have been refused. Every person violating the provisions of this subdivision, shall, for each offense, forfeit to the people of the state twice the amount of the loan which he shall have made. Limitations on officers and employees.

No officer, director, clerk or other employee of any corporation organized under the provisions of this act shall borrow, directly or indirectly, from such corporation any sum of money without the written approval of a majority of the board of directors thereof filed in the office of such corporation or embodied in a resolution adopted by a majority vote of such board exclusive of the director to whom the loan is made. If an officer, director, clerk or other employee of any such corporation shall own or control a majority of the stock of any other corporation a loan to that corporation shall be considered as a loan to such officer, director, clerk or other employee. Every person violating this provision shall, for each offense, forfeit to the people of the state twice the amount which he shall have borrowed.

Penalty for embezzlement, etc.

Every officer, director, clerk, employee, or agent of any corporation organized under this act who embezzles, abstracts, or wilfully misapplies any of the moneys, funds, credits, securities, evidence of indebtedness or assets of any character of such corporation; or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, debenture, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of such corporation with intent, in either case, to injure or defraud such corporation or any other company, body politic or corporate, or any individual person, or to deceive any officer of such corporation, the superintendent of banks, or any agent or examiner appointed to examine the affairs of any such corporation; and every receiver of any such corporation and every clerk or employee of such receiver who shall embezzle, abstract, or wilfully misapply or wrongfully convert to his own use any moneys, funds, credits, or assets of any character which may come into his possession or under his control in the execution of his trust or the performance of the duties of his employment; and every such receiver or clerk or employee of such receiver who shall, with intent to injure or defraud any person, body politic or corporate, or to deceive or mislead the superintendent of banks or any agent or examiner appointed to examine the affairs of such receiver, shall make any false entry in any book, report, or record of any matter connected with the duties of such receiver; and every person who with like intent aids or abets any officer, director, clerk, employee, or agent of any corporation organized under this act, or receiver or clerk or employee of such receiver as aforesaid in any violation of this act, shall upon conviction thereof be imprisoned for not less than two years nor more than ten years, and may also be fined not more than five thousand dollars, in the discretion of the court.

Penalty for misrepresenting liability of state.

Whoever being connected in any capacity with any corporation organized under this section represents in any way that the State of California is liable for the payment of any bond or other obligation, or the interest thereon, issued or

incurred by any corporation organized hereunder, or that the State of California incurs any liability in respect of any act or omission of the corporation, shall be punished by a fine of not more than ten thousand dollars and by imprisonment for not more than five years.

No person shall act in this state as the representative of any foreign corporation in transacting the business described in this act as the business of a corporation organized hereunder unless such corporation shall have complied with the provisions of this act relating to such corporations.

Every foreign corporation before being licensed by the superintendent of banks to transact in this state the business of a corporation defined and organized hereunder, or any part thereof, shall subscribe and acknowledge and submit to the superintendent of banks at his office, an application certificate in duplicate, which shall specifically state:

1. The name of such foreign corporation.
2. The place where its business is to be transacted in this state.
3. The amount of its capital stock actually paid in cash and the amount subscribed for and unpaid.

4. A complete and detailed statement of its financial condition as of a date within sixty days prior to the date of such application certificate.

At the time such application certificate is first submitted to the superintendent of banks, such corporation shall also submit a duly authenticated copy of its charter, or articles of incorporation and its by-laws.

No foreign corporation shall transact in this state the business defined in this act or any part thereof, unless such corporation shall have

1. Been authorized by its charter to carry on such business and shall have complied with the laws of the state or country under which it is incorporated;
2. Made the deposit with the state treasurer of the State of California hereinafter in this section required;
3. Designated the superintendent of banks, by an instrument in writing duly executed, its true and lawful attorney upon whom all process in any action or proceeding by any resident of the state against it may be served with the same effect as if it were a domestic corporation and had been lawfully served with process within the state;
4. Received a license duly issued to it by the superintendent of banks.

When the superintendent of banks shall have issued a license to any such foreign corporation, it may engage in the business of a corporation of the kind authorized by this act at the location specified in such license.

Every such foreign corporation, before receiving a license to transact business in this state, shall deposit with the state treasurer of the State of California upon authorization of the superintendent of banks in trust as security for the depositors

Application
certificate.

Requisites
for trans-
acting
business.

Deposit
with super-
intendent
of banks.

with and creditors of such corporation in this state, lawful money of the United States or securities of the kind and character described in section ninety-six of the "bank act" of California, of the value of one hundred thousand dollars. Such foreign corporation so long as it shall continue solvent and comply with the laws of this state, may be permitted by the superintendent of banks to collect the interest on the securities so deposited and from time to time to exchange such securities for others, as provided by section ninety-six of the "bank act" of California, and may examine and compare such securities, as provided by section ninety-six of the "bank act" of California. Such foreign corporation shall pay for such license a fee of two hundred fifty dollars.

Statement giving name of representative.

Every foreign corporation, duly licensed by the superintendent of banks to transact in this state the business hereinabove defined and authorized, or any part thereof, shall within thirty days after the date of such license, submit to the superintendent of banks a statement verified by two of its principal officers, which shall contain the full name and business address of every individual, partnership or unincorporated association, who is acting or whom it proposes to have act as its agent or representative in this state. Whenever any such corporation shall engage any person to act for it in this state and the name and address of such person is not contained in such verified statement submitted to the superintendent of banks, such foreign corporation shall forthwith submit to the superintendent of banks an amended statement verified in the same manner as the original. A violation of this provision shall subject such foreign corporation to a forfeiture of one thousand dollars for each offense.

Rights cease on revocation of license.

Whenever the superintendent of banks shall have revoked this license of any such foreign corporation and shall have taken the action to make such revocation effective, all the rights and privileges of such foreign corporation to transact business in this state shall forthwith cease and determine.

CHAPTER 773.

An act to ratify and confirm ordinance number ninety-two, passed by the city council of the city of Stockton, and approved by the mayor of said city on the seventeenth day of March, A. D. one thousand eight hundred seventy-nine, and to ratify and confirm the conveyance made under and pursuant to the terms of said ordinance.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Ordinance 92 passed by city council of Stockton confirmed.

SECTION 1. Whereas, the city council of the city of Stockton passed an ordinance which was approved by the mayor of said city on the seventeenth day of March, A. D. one thousand

eight hundred seventy-nine, which ordinance is in the words and figures following:

Ordinance number ninety-two providing for the receipt and disposal of certain lands. The mayor and city council of the city of Stockton do ordain as follows: Section 1. "The city of Stockton" by its corporate capacity, and in its corporate name, hereby agrees to receive from Charles M. Weber a deed in due form of law, conveying to said "the city of Stockton" the following described pieces or parcels of land, described as follows: Being the centre two hundred feet of blocks "H", "G", "B", "C", "D", and "E", lying in the Mormon channel and east of Centre street, in said city of Stockton, for a water way. Section 2. The mayor of the city of Stockton, is hereby authorized on behalf of the said city to receive said deed and to cause the same to be recorded in the proper office of the county of San Joaquin. Section 3. In consideration of the execution and delivery of the said deed of conveyance by the said Charles M. Weber and of the corporate benefit hereby secured, "The city of Stockton" agrees to convey to the said Charles M. Weber all its right, title, and interest in and to the following described pieces or parcels of land, to wit: That portion of Scotts avenue lying between the east line of Hunter street and the west line of San Joaquin street, and between the east line of San Joaquin street and the west line of Sutter street and between the east line of Sutter street and the west line of California street, and between the east line of California street and the west line of American street. Section 4. Conveyance by "the city of Stockton" hereinbefore provided for, shall be executed by the corporate name aforesaid and shall have the common seal of the corporation thereunto affixed; and the mayor of said city is hereby empowered and directed to affix the corporate seal and sign the corporate name to such conveyance, and to acknowledge and deliver the same and the conveyance so signed, acknowledged, and delivered shall be in all respects sufficient to pass the title of "the city of Stockton" in and to the premises described therein to the grantee aforesaid. Passed the seventeenth day of March, A. D. eighteen hundred and seventy-nine. Charles Belding, mayor; George Tilghman, city clerk.

Ordinance
ninety-two
passed
by city
council of
Stockton
confirmed.

It is hereby enacted that said ordinance is ratified and confirmed, and the conveyance made under and pursuant to the terms of said ordinance, and the exchange of real property therein provided for, are hereby ratified and confirmed.

CHAPTER 774.

An act to authorize and empower the board of directors of the California Polytechnic School to sell and convey certain real property situate in the county of San Luis Obispo, and belonging to the state.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Board of
directors of
California
Polytechnic
School
authorized
to sell
property.

SECTION 1. The board of directors of the California Polytechnic School are hereby authorized and empowered to sell and convey at public auction to the highest bidder, all or any portion of a certain piece of land situated, lying and being in the county of San Luis Obispo in the State of California, and particularly described as follows, to wit:

A triangular shaped tract of land of about one and one-quarter acres, being part of the northeast quarter of the northeast quarter of section twenty-seven of said township thirty south, range twelve east, Mount Diablo meridian described as follows: Beginning at stake at northeast corner of said section twenty-seven and running thence on section line, south eight hundred eighteen feet to west line of Santa Rosa street; thence on said street line north twelve degrees thirty-five minutes west eight hundred thirty-eight and twelve hundredths feet to north line of said section twenty-seven; thence on section line east one hundred eighty-two and six tenths feet to the point of beginning containing one and seventy-one hundredths acres but subject to right of way for sixty foot public road across north end of said tract as per deed of C. H. Johnson to county of San Luis Obispo of January 6, 1914, recorded in volume one hundred of deeds at page one hundred fifty-seven in said recorder's office.

Subject, however, (1) to all rights of Jennie W. Johnson and Mary Florence Livingston therein appearing of record in the county recorder's office of said county, (2) to all easements and rights of way heretofore granted over the same, and (3) to the leases executed by said grantor for agricultural purposes to E. H. Meinecke, Richard Berry and H. P. Beck.

SEC. 2. A deed, duly executed by the president of said board shall be sufficient to convey the title of said property. The proceeds from the sale of the property enumerated in section one hereof shall be turned over by the directors of the California Polytechnic School to the state treasurer and be by him credited to the general fund in the state treasury.

CHAPTER 775.

An act to amend an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911, as amended by an act approved May 26, 1913, as further amended by an act approved June 9, 1915, and as further amended by an act approved May 27, 1919, by adding a new section thereto to be numbered section thirty-six relating to reapportionment of assessment when tracts of land may be divided into smaller parcels, providing for the giving of notice and the filing of lists of charges assessed against smaller parcels.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911, as amended by an act approved May 26, 1913, as further amended by an act approved June 9, 1915, and as further amended by an act approved May 27, 1919, is hereby amended by adding a new section thereto to be numbered section thirty-six, and to read as follows:

Sec. 36. Whenever any tract of land upon which an assessment shall have been made shall be subdivided into smaller parcels, the reclamation board shall at any time, after the list shall have been certified by the secretary of the board to be correct and deposited as provided in this act, have power to and shall reapportion the assessment or assessments upon such tract in such manner as will charge each of said smaller

Apporportionment of assessments on subdivision of tract.

parcels with a just proportion of assessment or assessments made upon said tract so subdivided.

Applica-
tion.

Whenever an application shall be made to the reclamation board for such reapportionment, the reclamation board shall reapportion the assessment upon such tract or tracts in such manner as in their judgment will charge each of said smaller tracts with a just proportion of the assessment made upon said tract so subdivided, but before such reapportionment shall become final, the reclamation board shall appoint a time when it will meet for the purpose of hearing objections to such reapportionment, and notice of such hearing shall be given by publication for two weeks in some newspaper of general circulation published in the county in which such land or some portion thereof is situated. Such notice need not describe the lands with particularity, but it shall be sufficient to describe the tract or tracts of land subdivided as a tract or tracts assessed to the owner or owners giving his name or other names upon the assessment list. As many tracts may be embraced in one application as applicant is the owner of, or interested in.

Objections.

At the time appointed, or such other time to which the hearing may be postponed, or which may be appointed by the reclamation board, the board shall hear any objections that may be made to such reapportionment and shall approve, or modify, or alter such reapportionment in such manner as in their judgment will charge each of said smaller parcels with a just proportion of the assessment made upon the tract so subdivided and shall enter an order on its minutes accordingly. When such reapportionment shall have been made by the reclamation board, it shall deposit, in the office of the county treasurer of the county in which such land is situated, a list or lists of the charges assessed against each of said parcels, and said lists, after such filing with the county treasurer of said county, shall have the same effect as an original assessment. The filing of such lists shall be conclusive evidence that the requisite notice has been given, and that all acts required to be done before the filing of such lists have been duly done and performed, and the decision of the reclamation board shall be final and conclusive.

Expenses.

The expenses of publication and such other expenses as the reclamation board may order shall be borne and paid by the applicant.

CHAPTER 776.

An act to amend section seventeen of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employces and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section seventeen of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employces and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, is hereby amended to read as follows:

Stats 1919, p. 483, amended.

Sec. 17. (a) 1. No common carrier subject to the provisions of this act shall engage or participate in the transportation of persons or property, between points within this state, until its schedules of rates, fares, charges and classifications shall have been filed and published in accordance with the provisions of this act.

Filing of rates.

2. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares or charges so specified, except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

Different rates not to be charged.

Passes.

3. No common carrier subject to the provisions of this act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced rate transportation for passengers between points within this state, except to its officers, agents, employees, attorneys, physicians and surgeons, and members of their families; to ministers of religions, traveling secretaries of railroad men's religious associations, or executive officers, organizers or agents of railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such association; inmates of hospitals or charitable or eleemosynary institutions, and persons exclusively engaged in charitable or eleemosynary work, and persons and property engaged or employed in educational work or scientific research or in patriotic work when permitted by the commission; to the executive officers of mercantile or promotion boards or bodies within this state when traveling in the performance of duties affecting the advancement of the business of such boards or bodies, or the development of trade or industry within or without this state, when authorized by the commission; to hotel employees of season resort hotels, when authorized by the commission to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers, going and returning, of live stock, poultry, milk, fruit and other freight, under uniform and nondiscriminatory regulations; to employees of sleeping-car corporations, express corporations and telegraph and telephone corporations; to railway mail service employees, United States internal revenue officers, post-office inspectors, customs officers and inspectors and immigration inspectors when traveling in the course of their official duty; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in accidents or wrecks and physicians and nurses attending such persons; *provided*, that the term

"Employees."

"employees," as used in this section, shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such carrier, ex-employees traveling for the purpose of entering the service of any such carrier, and the remains of persons dying while

"Family."

in the employment of any such carrier; and the term "families," as used in this section, shall include the families of those persons heretofore named in this proviso, and the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such carrier; *and provided, further*, that no free ticket, free pass or free or reduced rate transportation shall be issued, given or tendered to any officer, agent or em-

No pass to shipper.

ployee of a common carrier, who is at the same time a shipper or receiver of freight, or an officer, agent or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such carrier; *and provided, further*, that the members of the railroad commission, their officers and employees, shall be entitled, when in the performance of their official duties, to free transportation over the lines of all common carriers within this state; *and provided, further*, that passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject however to such reasonable restrictions as the commission may impose.

Nothing in this act contained shall be construed to prohibit the issue by express corporations of free or reduced rate transportation for express matter to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the interchange of free or reduced rates transportation for passenger or express matter between common carriers, their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, where such common carriers are subject in whole or in part to the jurisdiction of the commission or of the interstate commerce commission, or where such common carriers, though not in whole or in part subject to the jurisdiction of this commission or of the interstate commerce commission, but which are engaged in the business of transporting passengers and freight by water between the United States and foreign countries, and are permitted by the interstate commerce act to interchange such free transportation with common carriers which are subject to the jurisdiction of the interstate commerce commission or to the jurisdiction of this commission, or the interchange of free or reduced rate transportation for passengers or express matter between a common carrier, and a corporation engaged in the carriage of persons or property by motor vehicle, or the officers, agents, employees, attorneys, physicians and surgeons of said common carrier or said corporation and their families; *provided*, that the power to interchange free or reduced rate transportation for passengers or express matter between said common carrier and said corporation shall be applicable only where said corporation is engaged in the carriage by motor vehicle of persons or property as a connecting carrier, or in the carriage by motor vehicle of persons or property over a portion of a route between the point of departure or shipment and arrival or delivery, part of which said route is covered or traveled by a common carrier, whether said carriage by motor vehicle be an initial, an intermediate or a final portion of the entire route between said point of departure or shipment and arrival or delivery; *provided*, that such express matter be for the personal use of the person to or for whom such free or reduced rate transportation is granted, or

Railroad
commission.

Newspapers.

Express
matter.Interchange
of reduced
rates
between
carriers.

of his family; nor to prohibit the issue of reduced rate transportation by a common carrier to children attending an institution of learning; nor to prohibit the issue of passes or franks by telegraph or telephone corporations to their officers, agents, employeés, attorneys, physicians and surgeons, and members of their families, or the exchange of passes or franks between such telegraph and telephone corporations or between such corporations and such common carriers, for their officers, agents, employeés, attorneys, physicians and surgeons, and members of their families; nor to prevent the carrying out of contracts for free or reduced rate passenger transportation heretofore made, founded upon adequate consideration and lawful when made; nor to prevent a common carrier from transporting, storing or handling, free or at reduced rates, the household goods and personal effects of its employeés, of persons entering or leaving its service, and of persons killed or dying while in its service.

Certain property may be carried free.

4. Every common carrier subject to the provisions of this act may transport, free or at reduced rates, persons or property for the United States, state, county or municipal governments, or for charitable purposes, or for patriotic purposes, or to provide relief in cases of general epidemic, pestilence or other calamitous visitation, and property to or from fairs or expositions for exhibit thereat; also contractors and their employeés, material or supplies for use or engaged in carrying out their contracts with said carriers, for construction, operation or maintenance work or work incidental thereto on the line of the issuing carrier, to the extent only that such free or reduced-rate transportation is provided for in the specifications upon which the contract is based and in the contract itself. Common carriers may also enter into contracts with telegraph and telephone corporations for an exchange of service.

Rebates prohibited.

(b) Except as in this section otherwise provided, no public utility shall charge, demand, collect or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any public utility engaged in furnishing or rendering more than one product, commodity or service, charge, demand, collect or receive a greater or less, or different compensation for the collective, combined or contemporaneous furnishing or rendition of two or more of such products, commodities or services, than the aggregate of the rates, tolls, rentals or charges specified in its schedules on file and in effect at the time, applicable to each such product, commodity or service when separately furnished or rendered, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls,

rentals and charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; *provided*, that the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.

CHAPTER 777.

An act to add a new section to be known as nine a nineteen to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled, "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act, approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled, "An act to provide county library systems, approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a nineteen, and to read as follows:

Sec. 9a19. In counties of the nineteenth class, the salary of the county librarian shall be two thousand four hundred dollars per annum.

Counties of 19th class, salary of librarian.

CHAPTER 778.

An act to amend section six hundred forty-one of the Civil Code, relating to guarantee stock surplus of building and loan associations.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section six hundred forty-one of the Civil Code is hereby amended to read as follows:

641. Profits and losses shall be apportioned to all shares in each class at the time of such apportionment, according to the actual or book value thereof. If the guarantee capital herein provided for if any there be, together with the reserve fund, or if the reserve

(Guarantee stock surplus of building and loan associations.

fund, where there be no guarantee capital, shall not equal five per cent of the outstanding loans at the time of each apportionment of profits, the directors shall set aside, as a reserve fund, not less than five per cent of the net profits accruing since the last prior apportionment, and shall continue so to do until said fund shall amount to at least five per cent of the loans in force, at which figure said fund shall thereafter be maintained. Said reserve fund shall at all times be available to meet losses arising from any source not heretofore provided to be assumed by the guarantee capital. Every such corporation having a paid-in guarantee capital stock, may provide in their by-laws, that an amount not exceeding one per cent per annum on the average loans in force, shall be set aside from and out of the net profits, at each annual distribution thereof, or a proportionate amount at each semi-annual distribution, from which to declare dividends on and provide a reserve fund that shall be specially applicable thereto. At least one-tenth of the amount so set aside shall be carried to such reserve fund until the same shall amount to at least twenty-five per cent of the paid-in guarantee stock; *provided, however*, that no guarantee stock association with stock and reserve equalling the amount required by law need maintain a reserve in excess of fifty thousand dollars.

CHAPTER 779.

An act to amend sections seven hundred eighteen and seven hundred nineteen of the Political Code, relating to the employees of the superintendent of capitol building and grounds.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred eighteen of the Political Code is hereby amended to read as follows:

Employees
of superin-
tendent of
capitol
building
and
grounds.

718. The superintendent of capitol building and grounds may appoint one deputy or clerk who shall be a civil executive officer. He may appoint one engineer, one fireman, one electrician, one typewriter and key expert, two elevator attendants, three telephone operators, and may employ such other assistants of each as may be necessary for emergencies and during sessions of the legislature. He may appoint one captain of police and eleven regular policemen and such other policemen as may be necessary for emergencies, who shall have the power of police officers and the same power of arrest as is herein given the superintendent. He may appoint one head porter and such other porters as may be necessary for the proper care of the building. He may appoint one head gardener, one assistant head gardener and one general

mechanic, and such other assistant gardeners as are necessary for the proper care and maintenance of the capitol building and grounds. All such assistant gardeners and regular laborers, porters, appointees and employees shall have the power of peace officers. The number of such gardeners, porters, laborers and other employees, where not herein specifically mentioned, shall be such as are deemed necessary by the superintendent of the board of control, and the compensation of all employees, shall be fixed by the superintendent by and with the consent of the board of control.

SEC. 2. Section seven hundred nineteen of the Political Code is hereby amended to read as follows:

719. The salary of the electrician shall be two thousand four hundred dollars per year, the captain of police, one thousand nine hundred twenty dollars per year, the head gardener two thousand one hundred dollars per year, the head porter one thousand three hundred twenty dollars per year, the deputy or clerk two thousand one hundred dollars per year.

CHAPTER 780.

An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "bank act," by amending sections one, five, thirteen, fifteen, seventeen, nineteen, twenty-one a, twenty-three, twenty-five, twenty-six, twenty-eight, thirty-one, thirty-seven, forty-eight a, fifty-six a, fifty-eight, sixty, sixty-one, sixty-one a, sixty-five, sixty-seven, sixty-eight, eighty, eighty-two, eighty-three, ninety, ninety-two, one hundred one and one hundred thirty-nine thereof and by adding new sections thereto to be numbered sections fifteen a, twenty-one b, twenty-four a, thirty-one b, fifty-six b, and fifty-seven a, all relating to the definition and regulation of the business of banking.

[Approved June 3, 1921. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act entitled "An act to define and regulate the business of banking" approved March 1, 1909, as amended, is hereby amended to read as follows: Stats 1915, p. 1104, amended.

Section 1. This act shall be known as the "bank act," Title of act. and shall be applicable to all corporations specified in the next section and to such other corporations as shall subject themselves to special provisions and sections thereof, and to such other persons, associations, copartnerships or corporations who shall, by violating any of its provisions, become subject to the penalties provided therein.

Stats. 1910,
p. 622,
amended.

Commercial
bank.

SEC. 2. Section five of said act approved March 1, 1909, as amended is hereby amended to read as follows:

Sec. 5. The term "commercial bank" when used in this act, means any bank authorized by law to receive deposits of money, deal in commercial paper or to make loans thereon, and to lend money on real or personal property, and to discount bills, notes or other commercial paper, and to buy and sell and advertise for purchase or sale such securities as are permissible for investment by commercial banks, gold and silver bullion, or foreign coins or bills of exchange; *provided*, any commercial bank located and doing business in any place the population of which does not exceed five thousand persons, as shown by the last preceding federal census, or any subsequent census compiled and certified under any law of this state, may, under such rules and regulations as may be prescribed by the superintendent of banks, act as the agent for any fire, life, or other insurance company authorized by the authorities of the State of California to do business in this state, by soliciting and selling insurance and collecting premiums on policies issued by such company; and may receive for services so rendered such fees or commissions as may be agreed upon between the said bank and the insurance company for which it may act as agent; and may also act as the broker or agent for others in making or procuring loans on real estate located within one hundred miles of the place in which said bank may be located, receiving for such services a reasonable fee or commission; *provided, however*, that no such bank shall in any case guarantee either the principal or interest of any such loans or assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal; *and provided, further*, that said bank shall not guarantee the truth of any statement made by an assured in filing his application for insurance.

Stats 1917,
p. 609,
amended.

Transmitting
money to
foreign
countries.

SEC. 3. Section thirteen of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 13. No person, firm or corporation, except banks and duly incorporated and qualified railroad, steamship and express companies, or general travel and tourist copartnerships and corporations that are in actual international operation, shall engage in this state in the business of receiving money for the purpose of transmitting the same, or the equivalent thereof, to foreign countries. Every such company shall, within thirty days after the date this section goes into effect, and thereafter on or before the first day of January and the first day of July in each year file with the superintendent of banks a certificate specifying each place in this state where such company maintains its own office where money is or will be received for transmission to foreign countries, and the person or persons in such office authorized to receive money for such purpose; and shall, also within thirty days after this act goes into effect file with the superintendent of banks a certificate specifying the name and

Certificate
filed with
superin-
tendent.

business address of every person, not regularly employed by it in its own office, who is authorized to receive money for the purpose of transmitting the same, or the equivalent thereof, to foreign countries; and each person specified in such certificates shall be the designated agent of the company making the certificate for all purposes connected with or incident to the receipt and transmission of money or its equivalent to foreign countries.

Whenever any such agent who is not regularly employed by any such company in its own office is replaced, or an additional agent, who is not so employed by any such company, is authorized to receive money for the purpose of transmitting same, or the equivalent thereof as aforesaid, notice of such fact and of the name of the person replacing the original agent, or the name of such additional agent, shall be certified forthwith to the superintendent of banks; and such person shall thenceforth be the designated agent of such company aforesaid until notice of the termination of such agency is filed with the superintendent of banks. The deposit hereinafter required shall be in addition to and not in lieu of the primary liability of any such company for the acts of its designated agents.

Notice of
change of
agent.

At the time of filing the certificate first herein required, and before any agent of any such company is authorized to transact any business hereunder, the company filing such certificate shall deposit with the treasurer of state, upon authorization of the superintendent of banks in the manner provided by section ninety-six of this act, the sum of fifty thousand dollars in lawful money of the United States, or in the securities specified in section ninety-six of this act; in case such deposit is in securities, the company making the same shall have the privilege of withdrawal, substitution and collection of interest provided in said section; or in lieu thereof such company shall execute and deliver to the superintendent of banks, who shall deposit it with the treasurer of state, a bond or other surety acceptable to the superintendent of banks in the sum of fifty thousand dollars to cover money received by any and all its agents in this state for the purpose of transmission to foreign countries; such bond or other surety to be conditioned upon the faithful holding and transmission of money, or the equivalent thereof, which shall be delivered to or deposited with any such agent for transmission to a foreign country, for the benefit of such persons as shall deliver to or deposit money with any such agent of such company for such purpose. Such bond shall be executed by such company with a corporate surety company, acceptable to the superintendent of banks, as surety. Such moneys or securities deposited with the treasurer of state and the money which in case of default shall be paid on such bond or other surety shall constitute a trust fund for the benefit of such persons as shall deliver to

Deposit
with state
treasurer.

or deposit with any such designated agent of such company money for transmission to foreign countries as aforesaid; suit to recover on any such bond or other surety may be brought by or upon the relation of any party aggrieved, in a court of competent jurisdiction of any county in which such company has an agent; and service of summons on any agent of such company shall be sufficient. All moneys received for transmission to a foreign country by a railroad, steamship or express company shall be forwarded to the person to whom the same is directed to be transmitted within ten days after the receipt thereof. The receipt given by any such company by its agent or agents, for deposits of money received for transmission to a foreign country shall be on a form or forms certified copies of which have first been filed with the superintendent of banks; in case of use by any such company of a form or forms for this purpose certified copies of which have not been filed with the superintendent of banks, whether the use of such receipts is authorized or not, shall not relieve such company of its liability for the acts of such agent hereunder and such company shall be subject to a penalty of fifty dollars for every such violation.

Forms.

Examina-
tion.

Every agent of any such company not regularly employed in its own office shall be subject to inspection and examination by the superintendent of banks in order to ascertain that such business is being lawfully conducted, and that all moneys received are properly accounted for; for which purpose the superintendent of banks may also prescribe the manner and form of keeping the books and accounts of such agent.

Expenses
of examina-
tion.

Whenever the superintendent of banks upon his own determination makes an examination of any such agent transacting or about to transact business under the provisions of this section, the expenses thereof shall be paid by the company represented by such agent.

Report.

Every railroad, steamship and express company transacting business in this state under this section shall annually, on or before the fifteenth day of March, file with the superintendent of banks its duly verified report, in the form prescribed by the superintendent of banks, showing in such detail as may be required by him, its business and transactions during the preceding calendar year relative to the receipts and transmission of money to foreign countries. The superintendent of banks shall have the power to revoke the authority to transact such business in this state of any railroad, steamship or express company which fails to make and file such annual report as herein provided.

Fee.

Every railroad, steamship or express company transacting business in this state under this section shall pay to the superintendent of banks on or before the first day of July in each year a fee of two hundred fifty dollars.

This section shall not apply to the receipt of money for immediate transmission by telegraph by the duly authorized

agent of any duly incorporated telegraph company, at any regularly established office of such company.

Whoever, not being an authorized officer or employee of a bank, or the duly designated agent for that purpose of a railroad, steamship or express company, holds himself out as authorized to receive, or solicits, or receives money for the purpose of transmitting the same, or the equivalent thereof, to foreign countries, shall, upon conviction, be fined not more than five thousand dollars or imprisoned in the penitentiary not more than ten years, or both.

SEC. 4. Section fifteen of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 15. All amounts of money heretofore or hereafter deposited with any bank to the credit of depositors who have not made a deposit on said account or withdrawn any part thereof or the interest and which shall have remained unclaimed for more than twenty years after the date of such deposit, or withdrawal of any part or principal or interest, and where neither the depositor or any claimant has filed any notice with such bank showing his or her present residence, shall, with the increase and proceeds thereof, be deposited with the state treasurer after judgment in the manner provided in the Code of Civil Procedure. At the time of issuing the summons in the action provided for in section one thousand two hundred seventy-three of the Code of Civil Procedure, the clerk shall also issue a notice signed by him, giving the title and number of said action, and referring to the complaint therein, and directed to all persons, other than those named as defendants therein, claiming any interest in any deposit mentioned in said complaint, and requiring them to appear within sixty days after the first publication of such summons, and show cause, if any they have, why the moneys involved in said action should not be deposited with the state treasurer as in said section provided, and notifying them that if they do not so appear and show cause, the state will apply to the court for the relief demanded in the complaint. A copy of said notice shall be attached to and published with the copy of said summons required to be published by said section, and at the end of the copy of such notice so published there shall be a statement of the date of the first publication of said summons and notice. Any person interested may appear in said action and become a party thereto. Upon the completion of the publication of the summons and notice, and the service of the summons on the defendant bank, or banks, as in said section one thousand two hundred seventy-three of the Code of Civil Procedure provided, the court shall have full and complete jurisdiction over the state, and the said deposits and of the person of every one having or claiming any interest in the said deposits, or any of them, and shall have full and complete jurisdiction to hear and determine the issues therein, and render the appropriate

Penalty.

Stats. 1915,
p. 1106,
amended.Unclaimed
deposits.Notice to
claimants.

Statement concerning unclaimed deposits.

judgment thereon. The president or managing officer of every bank must, within fifteen days after the first day of January of every year, return to the superintendent of banks and to the state controller a sworn statement showing the names of depositors known to be dead, or who have not made further deposits, or withdrawn any moneys during the preceding twenty years. Such statement shall show in detail the following matters, viz:

First—The name and last known place of residence or post-office address of the person making such deposit;

Second—The amount and date of such deposit and whether the same are in moneys or securities, and if the latter, the nature of the same;

Third—The interest due on such deposit, if any, and the amount thereof;

Fourth—The sum total of such deposit, together with the interest added thereto due from such bank on account of such deposit or deposits and the interest thereon to such depositor, but nothing contained herein shall require any corporation or person renting lock boxes or safes in vaults for storage purposes to open or report concerning property stored therein. Such reports itemized as aforesaid shall be signed by the person making the same and shall be sworn to before a person competent to administer oaths as a full, complete and truthful statement of each of the items therein contained.

Statement of ten-year unclaimed deposits.

The president or managing officer of every bank must, within fifteen days after the first day of January of every odd numbered year, return to the superintendent of banks a sworn statement showing the names of depositors known to be dead, or who have not made further deposits, or withdrawn any moneys during the preceding ten years. Such statements shall show the amount of the account, the depositor's last known place of residence or post-office address, and the fact of death, if known to such president or managing officer. Such president or managing officer must give notice of these deposits in one or more newspapers published in or nearest to the town or city where such bank has its principal place of business, at least once a week for four consecutive weeks, the cost of such publication to be paid pro rata out of such unclaimed deposits. The superintendent of banks must incorporate in his subsequent report such returns made to him as provided in this section. If any president or managing officer of any bank neglects or refuses to make the sworn statements required by this section such bank shall forfeit to the State of California the sum of one hundred dollars a day for each day such default shall continue. Any president or managing officer of any bank who violates any of the provisions of this section shall forfeit to the State of California the sum of one hundred dollars a day for each and every day such violation shall continue. For the purposes of this section all deposits received by any bank under the provisions of section thirty-one, section thirty-one *a* or section thirty-one *b* of this act shall be deemed to have

been deposited with such bank at the time the deposit was made with the bank from which the deposit was transferred; *provided*, that any bank which shall make any deposit with the state treasurer in conformity with the provisions of this section shall not thereafter be liable to any person for the same and any action which may be brought by any person against any bank for moneys so deposited with the state treasurer shall be defended by the attorney general without cost to such bank.

SEC. 5. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered fifteen *a* and to read as follows:

Sec. 15*a*. When any deposit shall be made by or in the name of any minor, the same shall be held for the exclusive right and benefit of such minor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with the dividends thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor shall be a valid and sufficient release and discharge to such savings bank for such deposit or any part thereof. Deposit by minor.

When any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such savings bank, in the event of the death of the trustee, the deposit or any part thereof, together with the dividends thereon, may be paid to the person for whom the deposit was made. Deposit in trust.

When a deposit shall be made by any person in the names of such depositor and another person and in form to be paid to either or the survivor of them, such deposit and any additions thereto made by either of such persons after the making thereof, shall become the property of such persons as joint tenants, and the same together with all dividends thereon shall be held for the exclusive use of such persons and may be paid to either during the lifetime of both or to the survivor after the death of one of them, and such payment and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such deposit prior to the receipt by such savings bank of notice in writing not to pay such deposit in accordance with the terms thereof. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such savings bank or the surviving depositor is a party, of the intention of both depositors to vest title to such deposit and the additions thereto in such survivor. Deposit in name of two depositors.

Stats. 1909,
p. 91,
amended.
Notice of
names of
directors and
stock held.

SEC. 6. Section seventeen of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 17. Every bank shall keep posted in its office, in a conspicuous place, accessible to the public generally, a notice signed by the president or secretary, showing:

1. The names of the directors of such bank.
2. The number and the par value of the shares of stock held by each director.

The entries on such book and such notice shall be made and posted within twenty-four hours after any transfer of stock, and shall be prima facie evidence against each director of the number of shares of stock held by each.

Stats. 1919,
p. 823,
amended.

SEC. 7. Section nineteen of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Capital and
deposit
liabilities.

Sec. 19. The aggregate of paid-up capital together with the surplus, of every commercial bank, must equal the following percentages of its deposit liabilities:

(a) Ten per centum of any amount up to and including two million dollars.

(b) Seven and one-half per centum of any amount in excess of two million dollars up to and including five million dollars.

(c) Five per centum of any amount in excess of five million dollars.

The aggregate of paid-up capital together with the surplus of every savings bank having a capital stock, and the reserve fund of every savings bank without a capital stock, must equal the following percentages of its deposit liabilities:

(d) Ten per centum of any amount up to and including one million dollars.

(e) Seven and one-half per centum of any amount in excess of one million dollars up to and including three million dollars.

(f) Five per centum of any amount in excess of three million dollars up to and including ten million dollars.

(g) Two and one-half per centum of any amount in excess of ten million dollars up to and including twenty-five million dollars.

(h) One per centum of any amount in excess of twenty-five million dollars.

The deposits shall not be increased if such proportion of paid-up capital and surplus or reserve fund to deposit liabilities is not maintained, and in no event shall said paid-up capital be less than the minimum paid-up capital provided by this act; *provided*, that such deposit liabilities shall be exclusive of United States and postal savings deposits and deposits of the State of California and of any county and municipality in the State of California which are secured as required by law.

SEC. 8. Section twenty-one *a* of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 21a. No bank, banker, or bank officer, shall give preference to any depositor or creditor except as otherwise authorized by law; *provided*, that any commercial bank or commercial department of a departmental bank, is authorized and empowered for temporary purposes, to borrow money, or to borrow money and pledge or hypothecate as collateral security therefor, its assets not exceeding fifty per centum in excess of the amount borrowed, but only to the extent and upon terms and conditions as follows:

Terms and conditions on which bank may borrow money.

(1) Any amount up to, but not exceeding the amount of its capital and surplus, without consent of the superintendent of banks; *provided, however*, that any amount borrowed, except as otherwise provided in this section, in excess of the amount of its capital and surplus, at such time actually paid in and remaining undiminished by losses or otherwise, must first be approved in writing by the superintendent of banks; *provided, also*, that no excess loan made to any such bank shall be invalid or illegal as to the lender, even though made without the consent of the superintendent of banks; *provided, also*, that the rediscounting with or without guarantee or endorsement with a federal reserve bank, of notes, drafts, bills of exchange and loans secured by obligations of the United States, is hereby authorized and shall not be limited by the terms of this act, and shall not be considered as borrowed money within the meaning of this section.

(2) Any amount of California, state, county, city, city and county funds, or any other public money, in the manner it is or may be authorized by law to borrow and receive such public money on deposit without the approval of the superintendent of banks.

(3) Any amount of the United States moneys and postal savings moneys of the United States, and receive such moneys on deposit, and pledge or hypothecate such of its securities and upon such terms as may be required by the laws of the United States or the rules and regulations of the secretary of the treasury of the United States, without the approval of the superintendent of banks.

(4) Any amount, in addition to the amounts authorized to be borrowed in this section, for the purpose of buying from the United States, United States bonds, United States treasury certificates, or notes or obligations of the United States.

(5) To rediscount with and sell to a federal reserve bank any and all such notes, drafts, bills of exchange, acceptances and any other securities, with no other restrictions, and as fully, and to the same extent as this privilege is given to national bank members under the terms of the federal reserve act, or by regulations of the federal reserve board made pursuant thereto.

Sec. 9. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered twenty-one b and to read as follows:

Partial payments.

Sec. 21b. (1) No bank shall make partial payments upon any certificate of deposit.

Overdraft as asset.

(2) In no case shall an overdraft of more than ninety days' standing be allowed as an asset of any bank.

Bad debts.

(3) Any debt due to any commercial bank, on which interest is past due and unpaid for the period of one year, unless the same is well secured, and is in process of collection, shall be considered a bad debt and shall be charged off to the profit and loss account at the expiration of that time.

Stats. 1913, p. 149, amended.

Sec. 10. Section twenty-three of said act approved March 1, 1909; as amended, is hereby amended to read as follows:

Departmental business.

Sec. 23. When a bank desires to do a departmental business, it shall first obtain the consent of the superintendent of banks, and in its application therefor, file a statement making a segregation of its capital and surplus for each department. Such capital and surplus, when so apportioned and approved by the superintendent of banks, shall be considered and treated as the separate capital and surplus of such department as if each department was a separate bank. Thereafter a bank may, from time to time, with the previous consent and approval of the superintendent of banks and subject to the provisions of section nineteen of this act, change any segregation and apportionment of capital and surplus previously made and make a new segregation and apportionment of its capital and surplus. Every bank hereafter organized doing a departmental business shall have paid up, in cash, capital stock as follows:

Capital stock

Place of 5,000 persons.

(a) In any locality in which the population does not exceed five thousand persons, not less than twenty-five thousand dollars if it transacts both a commercial and savings business, or not less than one hundred twenty-five thousand dollars, if it transacts both a commercial and trust business, or not less than one hundred twenty-five thousand dollars if it transacts both a savings and trust business and not less than one hundred twenty-five thousand dollars if it transacts a commercial, savings and trust business.

More than 5,000 persons.

(b) In any city in which the population is more than five thousand persons, but does not exceed twenty-five thousand persons, not less than fifty thousand dollars if it transacts both a commercial and savings business, or not less than one hundred fifty thousand dollars if it transacts both a commercial and trust business, or not less than one hundred fifty thousand dollars if it transacts both a savings and trust business, and not less than one hundred fifty thousand dollars if it transacts a commercial, savings and trust business.

More than 25,000 persons.

(c) In any city in which the population is more than twenty-five thousand persons, but does not exceed one hundred thousand persons, not less than one hundred thousand dollars, if it transacts both a commercial and savings business, or not less than two hundred thousand dollars if it transacts both a commercial and trust business or not less than two hundred thousand dollars if it transacts both a

savings and trust business, and not less than two hundred thousand dollars if it transacts a commercial, savings and trust business.

(d) In any city in which the population is more than one hundred thousand persons, but does not exceed two hundred thousand persons, not less than two hundred thousand dollars if it transacts both a commercial and savings business, or not less than four hundred thousand dollars if it transacts both a commercial and trust business, or not less than four hundred thousand dollars if it transacts both a savings and trust business, and not less than four hundred thousand dollars if it transacts a commercial, savings and trust business.

More than
100,000
persons.

(e) In any city in which the population exceeds two hundred thousand persons, not less than three hundred thousand dollars if it transacts both a commercial and savings business, or not less than five hundred thousand dollars if it transacts both a commercial and trust business, or not less than five hundred thousand dollars if it transacts both a savings and trust business, and not less than five hundred thousand dollars if it transacts a commercial, savings and trust business.

More than
200,000
persons.

The foregoing classifications shall not apply to any bank already in existence which has received from the superintendent of banks a certificate to do a banking business nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section nine of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock, but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception. The capital stock referred to herein shall be increased from time to time and to the same extent as provided for in section nineteen of this act.

Banks not
included.

Nothing herein contained shall prevent the superintendent of banks in the exercise of his discretion from granting his license to any bank hereafter organized in a locality which has been included by annexation or consolidation within the limits of a city requiring a larger capitalization with a capital stock paid up in cash equal to that which would have been required for said locality if it had not been included by annexation or consolidation within the limits of a city requiring a larger capitalization; *provided*, that no bank so licensed shall be permitted to establish any branch office as provided in section nine of this act or to remove its place of business from the original limits of the city or township

Bank in
annexed
locality.

which has been included by annexation or consolidation within the limits of a city requiring a larger capitalization until it shall have the capital required of banks in such city requiring said larger capitalization.

Population.

For the purposes of this act, the population shown and determined by the last preceding federal census, or any subsequent census compiled and certified under any law of this state, shall be deemed to be the population of any city in which any such bank is to be organized. If the principal place of business of any bank so organized is located outside of the corporate limits of any city, then the population of that portion of the judicial township in which said bank is to have its principal place of business, which is not included within the boundaries of any municipal corporation, as such population is shown and determined by such federal or subsequent official census, shall be the basis for classification under the provisions of this act.

SEC. 11. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered twenty-four *a* and to read as follows:

Seal of superintendent.

Sec. 24*a*. The superintendent of banks shall adopt an official seal. Every paper executed by him as such superintendent of banks in pursuance of any authority conferred on him by law, and sealed with his seal of office, shall be received in evidence, and may be recorded in the proper recording offices in the same manner and with the same effect as a deed regularly acknowledged.

Whenever it is proper to furnish a copy of any paper filed in the state banking department and to certify such paper, except where such copy or certification is made for the benefit of a corporation to which this act is applicable, the superintendent of banks may charge ten cents per folio for each such copy, and for affixing his official seal on such copy and certifying the same, one dollar.

Stats 1915, p. 1109, amended.

SEC. 12. Section twenty-five of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Total reserves for each department.

Sec. 25. Every bank shall maintain for each department total reserves equal in amount to that required by this act for the respective business conducted, and shall keep separate and distinct the total reserves of any department from that of any other department; and all deposits made with other banks, whether temporary or otherwise, shall be assets of the respective departments by which they were made, and shall be so carried on the books of such other banks, and shall be repaid only upon the order of the department to whose credit they stand. No department shall receive deposits from any other department of the same corporation; except that a trust department, in proper cases, may make deposits of trust or any other funds under its control with the savings department or the commercial department of the same corporation; *provided, however,* that any bank having departments shall

Trans-actions between departments.

have the right to sell and transfer any bonds, securities or loans from one department to another upon receipt of the actual value thereof. if such bonds, securities or loans are, under the provisions of this act, a legal investment for the department purchasing the same.

Sec. 13. Section twenty-six of said act approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1909, p. 93, amended.

Sec. 26. Every bank having different departments shall keep separate books of account for each department of its business, and shall be governed as to all deposits, reserves, investments and transactions relating to each department by the provisions in this act specifically provided for the respective kind of business. Separate books, etc., for each department.

It shall keep all investments relating to the savings department entirely separate and apart from the investments of its other department or departments.

Every bank shall conduct the business of all its departments in one building, or in adjoining buildings; *provided*, that any departmental bank, having a trust department, may conduct, with the previous written consent of the superintendent of banks, the business of its trust department in a building separate from its principal place of business in the same city in which its principal place of business is located.

Every bank shall keep entirely separate and apart in each department the cash, securities and property belonging to such department, and shall not mingle the cash securities and property of one department with that of another.

Sec. 14. Section twenty-eight of said act approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1917, p. 606, amended.

Sec. 28. Every bank in this state must, on its principal place of business and on all communications to depositors, and on each of its branch offices, use the word "savings" if it conducts a savings business, and the word "trust" if it conducts a trust business, and the word "commercial" if it conducts a commercial business. Every bank which maintains a branch office must on all window signs and in advertising, and on letterheads and other stationery on which the business of said branch office is transacted, use in letters and type, equal in prominence to that used in its corporate name, the word "branch" and the name of the place where its principal business is located; *provided*, that any such bank may on all window signs and in advertising, and on letterheads and other stationery of such branch offices as are located in the city where the principal place of business of such bank is located, use in letters and type, equal in prominence to that used in its corporate name, the word "branch" or the word "office" and the designation by street and number of the place where its principal business is located. Signs.

Sec. 15. Section thirty-one of said act approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1913, p. 151, amended.

Sec. 31. Any bank may sell the whole of its business or the whole of the business of any of its departments to any Sale of business.

other bank which may purchase such business after obtaining the consent of the stockholders of the selling and of the purchasing banks holding of record at least two-thirds of the issued capital stock of each of such corporations; such consent to be expressed either in writing executed and acknowledged by such stockholders and attached to the instrument of sale, or to a copy thereof, or by vote at a stockholders' meeting of each of such banks called for that purpose. The selling and purchasing banks must for such purposes enter into an agreement of sale and purchase, which agreement shall contain all the terms and conditions connected with such sale and purchase. Such agreement shall contain proper provision for the payment of liabilities of the selling bank or of the department sold, and the assumption by the purchasing bank of all fiduciary and trust obligations of the selling bank or department sold, and in these particulars shall be subject to the approval of the superintendent of banks; and shall not be valid until such approval is obtained. Such agreement may contain provisions for the transfer of all deposits to the purchasing bank, subject, however, to the right of every depositor of the selling bank to withdraw his deposit in full on demand after such transfer, irrespective of the terms under which it was deposited with the selling bank; and such agreement may also contain provisions for the transfer of all court and private trusts to the purchasing bank, subject, however, to the right of trustors and beneficiaries, after such transfer, to nominate another and succeeding trustee of the trusts so transferred. The rights of creditors of the selling bank shall not in any manner be impaired by any such sale, nor shall any liability or obligation for the payment of any money due or to become due, or any claim or demand, in any manner, or for any cause existing against such selling bank or against any stockholder thereof, be in any manner released or impaired, and all the rights, obligations and relations of all the parties, creditors, depositors, trustors and beneficiaries of trusts shall remain unimpaired by the sale, but such bank to which the other shall sell all its business or all the business of any of its departments, shall succeed to all such relations, obligations, trusts and liabilities and be held liable to pay and discharge all such debts and liabilities and to perform all such trusts of the selling bank in the same manner as if such bank to which the other had sold had itself incurred the obligation or liability or assumed the relation of trust, and the stockholders of the respective corporations so entering into such agreement shall continue subject to all the liabilities, claims and demands existing against them as such at or before such sale.

Conditions
of sale.

Rights of
creditors.

Publication
of notice.

Immediately after the execution of such agreement of sale and purchase notice thereof shall be published for at least four successive weeks in a newspaper in each of the counties of the state in which either of such banks shall have its principal place of business; *provided, however*, that no action

can be brought against such selling bank or any of its stockholders on account of any deposits, obligations, trusts or liabilities so transferred after the expiration of one year from the last day of publication herein required; *and provided, further*, that such selling bank shall maintain for a period of one year after the last day of publication herein required such an amount, if any, of capital or capital and surplus as the superintendent of banks, in the exercise of his discretion, may deem necessary.

An affidavit showing such publication shall be filed in the office of the superintendent of banks within ten days after the last publication thereof. The affairs of such selling bank, or selling department of a bank, shall remain subject to the provisions of this act. Affidavit showing publication.

Upon the approval by the superintendent of banks of an agreement of sale and purchase and the transfer of the business of a trust department or of a bank having a trust department the purchasing bank shall, ipso facto and by operation of law and without further transfer, substitution, act or deed, and in all courts and places, be deemed and held to have succeeded and shall become subrogated and shall succeed to all rights, obligations, properties, assets, investments, deposits, demands, contracts, agreements, court and private trusts and other relations to any person, creditor, depositor, trustor, principal or beneficiary of any court or private trust, obligations and liabilities of every nature, and shall execute and perform all such court and private trusts in the same manner as though it had itself originally assumed the relation or trust or incurred the obligation or liability. Purchasing bank succeeds to rights when.

Sec. 16. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered thirty-one *b* and to read as follows:

Sec. 31*b*. (1) Any two or more banks, respectively empowered by their articles of incorporation, and authorized by the provisions of the bank act to do the business of a commercial bank and savings bank and trust company, or any one or more or all of them, are hereby authorized to merge one or more of such banks into another of them, as hereinafter provided. Merger of banks.

(2) The respective boards of directors of such banks may by a majority vote of all of the members of each board, at a meeting duly called and held, make or authorize to be made between such banks a written agreement in duplicate for the merger of such banks. Such agreement shall specify each bank to be merged and the bank which is to receive into itself the merging bank or banks, and it shall prescribe the terms and conditions of the merger and the mode of carrying it into effect. Such agreement may provide for such and any matters to effect and accomplish such merger, not inconsistent with the provisions of the bank act or the other laws of this state. Agreement.

Approval by
superin-
tendent.

Such agreement and sworn copies of the proceedings of the meetings of the respective boards of directors at which the making of such agreement was authorized, shall be submitted in duplicate to the superintendent of banks for his approval and shall not be valid until such approval is obtained.

Ratification
by
stockholders.

Said merger shall not take effect unless and until such merger agreement shall have been ratified and confirmed in writing by the stockholders of the respective banks holding of record at least two-thirds of the issued capital stock of their respective banks, or such merger agreement may be submitted to the stockholders of each of such banks at either a regular or special meeting thereof, to be duly called in the manner provided in the by-laws of such respective banks, or if no manner for calling such meeting is therein provided, then in the manner prescribed by law; and if such agreement shall be approved at each of such meetings by the affirmative vote of stockholders owning at least two-thirds in amount of all of the issued and outstanding shares of stock of their respective banks, it shall thereupon become binding upon such banks.

Filing
agreement.

(3) After such merger agreement shall have become binding upon the respective banks who are parties thereto, as herein provided, one of the duplicates thereof with a copy of the superintendent of banks' written approval and a sworn copy of the proceedings of the meetings at which such agreement was finally approved, made by the secretaries thereof respectively, shall be filed in the office of the superintendent of banks, and the other duplicate of such agreement shall be filed in the office of the clerk of the county in which is located the principal place of business of the bank into which the other corporation or corporations are to be merged.

In effect
when.

(4) Upon filing the duplicates of such merger agreement, together with copies of its approval by the superintendent of banks, the merger agreement shall take effect according to all of its terms and the merger shall thereupon take place as provided in the agreement without further or other act, transfer or substitution. Upon the taking effect of the merger agreement, the merged corporation or corporations shall surrender their licenses to do a banking business for cancellation by the superintendent of banks.

Effect of
merger.

(5) Upon the merger of any corporation or corporations into another, as provided in this section:

(a) Its corporate existence shall be merged into that of such other corporation, and all and singular its rights, privileges and franchises, and its right, title and interest in and to all property, real, personal or mixed, and choses in action, and every right, privilege, interest or asset of conceivable value or benefit then existing or which would thereafter inure to it under an unmerged existence shall be deemed fully and finally, and without any right of reversion, interruption, impairment or limitation of title, right or privilege, transferred to and vested in the corporation into which it shall have been merged, without further act or deed, and such last

mentioned corporation shall have, hold, possess, enjoy and enforce the same in its own right, as fully as the same was possessed, enjoyed and held by the merged corporation from which it was, by operation of the provisions of this section, transferred.

(b) Its rights, obligations, properties, assets, investments, deposits, demands, contracts, agreements, court and private trusts, as defined in the bank act, and other relations to any person, creditor, depositor, trustee, principal or beneficiary of any court or private trust, shall remain unimpaired and without change or alteration in any respect, and the corporation into which it shall have been merged shall, by such merger, ipso facto and by operation of law, without further transfer, substitution, act or deed, and in all courts and places be deemed and held to have, and shall become subrogated and shall succeed, to all such rights, obligations, properties, assets, investments, deposits, demands, contracts, agreements, court and private trusts, and other relations to any person, creditor, depositor, trustee, principal or beneficiary of any court or private trust, obligations and liabilities, of every kind or nature, and shall execute and perform all such court and private trusts in the same manner as though it had itself originally assumed the relation or trust or incurred the obligation or liability; the corporation into which it shall have been merged shall succeed to and be entitled to take and execute and receive the appointment to all executorships, trusterships, guardianships, and other fiduciary capacities in which the merged corporation may be then or thereafter named in wills theretofore or thereafter probated, or in any other instruments; and the liabilities and obligations of such merged corporation to the depositors, beneficiaries, principals and other creditors existing for any cause whatever shall not be impaired by such merger; nor shall any obligation or liability of any stockholder in any corporation which is a party to such merger be affected by any such merger, but such obligations and liabilities shall continue as fully and to the same extent as existed before such merger.

(c) Any action pending or other judicial proceedings to which any corporation that shall be so merged is a party, shall not be deemed to have abated or to have discontinued by reason of the merger, but may be prosecuted to final judgment, order or other decree in the name of the merged corporation, in the same manner as if the merger had not been made, or such merging corporation may be substituted as a party to such action or proceeding, and any judgment, order or decree may be rendered for or against it that might have been rendered for or against such merged corporation, if the merger had not occurred.

(6) The corporation into which the other corporation or corporations shall have been merged, as herein provided, may require the return of the original certificate or certificates held by each stockholder in such other corporation or corporations,

New stock
certificates.

and may issue in lieu thereof new certificates for such number of its own shares as such stockholder may be entitled to receive under the merger agreement.

(7) In the event that, either

If stockholder refuses new certificate or votes against merger.

(a) Any stockholder of any such merged corporation shall fail or refuse, within ninety days after such merger shall take effect, to return the original certificate or certificates held by such stockholder in such merging corporation or corporations and to accept in lieu thereof a new certificate or certificates for such number of the shares of the merging corporation as such stockholder may be entitled to receive under the merger agreement; or,

(b) Any stockholder or shareholder shall vote against or not in favor of such agreement of merger, at the meeting where such merger is approved, or shall dissent in writing and file such written dissent with the secretary of the merged corporation within thirty days after such merger agreement shall have been ratified in writing by the holders of record of not less than two-thirds of the issued and outstanding stock of such corporation or corporations, as hereinbefore provided, and shall, within thirty days after such stockholders' meeting or after the date of such stockholders' ratification, as the case may be, make written demand for payment for his shares of stock;

Purchase of stock.

In either of the events hereinabove mentioned, the merging corporation shall buy, and such stockholder shall sell to it, all such stock held by such stockholder, and, if such stockholder be a borrower from said corporation, said merging corporation shall demand liquidation of his indebtedness and the cancellation of his shares. If such stockholder and the board of directors of such merging corporation cannot agree upon the amount to be paid for such shares of stock or the amount of said indebtedness, if any, either said merging corporation or such stockholder, after said merger takes effect, may, at any time within sixty days thereafter, apply to the superior court in the county wherein is situated the principal place of business of the corporation into which the other or others are merged, for the appointment of three disinterested persons to appraise the value of shares of stock held by such dissenting stockholder. The court shall thereupon, after ten days' notice to said merging corporation and to such stockholder, appoint such appraisers, and designate the time and place of their meeting, with such directions in regard to their proceedings as it shall deem proper, and shall also direct the time and manner in which payment shall be made for the value of the shares of stock of such stockholder and the cancellation of his shares of stock. The court may fill any vacancies in such board of appraisers. The appraisers shall meet at the time and place designated, and after being duly sworn honestly and faithfully to discharge their duties, they shall make and certify a written estimate of the value of such shares of stock, and the amount of such indebtedness, if any, and shall deliver one copy to the

Appraisal.

merging corporation and the other to such stockholder. The charges and expenses of the appraisers shall be paid by such corporation.

When the corporation shall have paid the appraised value of such stock, or if such stockholder be a borrower as aforesaid, when he shall have paid the amount of his indebtedness as fixed by such appraisal, such stock shall be cancelled and such stockholders shall cease to be a member of said corporation or to have any interest in such stock or any corporate property, and such stock may be sold and disposed of by the corporation for its own benefit; and if such stockholder or shareholder be a borrower as aforesaid, proper instruments of acquittance shall be duly executed and delivered to him by the corporation and thereupon he shall be discharged from all further liability to the corporation.

Membership ceases.

Sec. 17. Section thirty-seven of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats. 1910, p. 627, amended.

Sec. 37. No bank shall, except as otherwise provided in this act, purchase or invest its capital or surplus or money of its depositors, or any part of either, in the capital stock of any corporation unless the purchase or acquisition of such capital stock shall be necessary to prevent loss to the bank on an obligation owned or on a debt previously contracted in good faith. Any capital stock so purchased or acquired shall be sold by such bank within six months thereafter if it can be sold for the amount of the claim of such bank against it; and all capital stock thus purchased or acquired must be sold for the best price obtainable by said bank within three years after such purchase or acquisition unless the superintendent of banks shall extend the time of its sale for a period not to exceed two years.

Investment in capital stock of corporations.

Any bank, with the previous written consent of the superintendent of banks, may purchase or otherwise acquire and hold the whole or any part of the capital stock of not more than one trust company organized and existing under the laws of this state, and doing business in the same county in which the principal place of business of such bank is located; *provided, however*, that not more than an amount equal to twenty-five per centum of the capital and surplus of any such bank may be at any one time invested in the capital stock of such trust company or such other corporation; *and provided, further*, that no such trust company shall engage in or combine the business of a commercial bank or a savings bank or a title insurance company.

Stock in trust company.

Any bank, with the previous written consent of the superintendent of banks, may purchase or otherwise acquire and hold, the whole or any part of the capital stock of not more than one corporation authorized and empowered to conduct a safe deposit business, which such corporation is organized and existing under the laws of this state and doing business in the same city in which the principal place of business of such bank is located; *provided, however*, that not more than an

Stock of safe deposit corporation.

merging corporation and the other to such stockholder. The charges and expenses of the appraisers shall be paid by such corporation.

When the corporation shall have paid the appraised value of such stock, or if such stockholder be a borrower as aforesaid, when he shall have paid the amount of his indebtedness as fixed by such appraisal, such stock shall be cancelled and such stockholders shall cease to be a member of said corporation or to have any interest in such stock or any corporate property, and such stock may be sold and disposed of by the corporation for its own benefit; and if such stockholder or shareholder be a borrower as aforesaid, proper instruments of acquittance shall be duly executed and delivered to him by the corporation and thereupon he shall be discharged from all further liability to the corporation.

Membership ceases.

Sec. 17. Section thirty-seven of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats. 1910, p. 627, amended.

Sec. 37. No bank shall, except as otherwise provided in this act, purchase or invest its capital or surplus or money of its depositors, or any part of either, in the capital stock of any corporation unless the purchase or acquisition of such capital stock shall be necessary to prevent loss to the bank on an obligation owned or on a debt previously contracted in good faith. Any capital stock so purchased or acquired shall be sold by such bank within six months thereafter if it can be sold for the amount of the claim of such bank against it; and all capital stock thus purchased or acquired must be sold for the best price obtainable by said bank within three years after such purchase or acquisition unless the superintendent of banks shall extend the time of its sale for a period not to exceed two years.

Investment in capital stock of corporations.

Any bank, with the previous written consent of the superintendent of banks, may purchase or otherwise acquire and hold the whole or any part of the capital stock of not more than one trust company organized and existing under the laws of this state, and doing business in the same county in which the principal place of business of such bank is located; *provided, however*, that not more than an amount equal to twenty-five per centum of the capital and surplus of any such bank may be at any one time invested in the capital stock of such trust company or such other corporation; *and provided, further*, that no such trust company shall engage in or combine the business of a commercial bank or a savings bank or a title insurance company.

Stock in trust company.

Any bank, with the previous written consent of the superintendent of banks, may purchase or otherwise acquire and hold, the whole or any part of the capital stock of not more than one corporation authorized and empowered to conduct a safe deposit business, which such corporation is organized and existing under the laws of this state and doing business in the same city in which the principal place of business of such bank is located; *provided, however*, that not more than an

Stock of safe deposit corporation.

Sec. 56a. Nothing in this act shall prevent or prohibit any bank from converting into a national banking association under the provision of section five thousand one hundred fifty-four of the United States revised statutes, or section eight of the federal reserve act, or any other federal or state law; *provided, however*, that in the event of the application for conversion of a state bank into a national banking association the superintendent of banks may in his discretion revoke any or all licenses for branch offices granted within two years immediately preceding said application for conversion of any state bank into a national banking association.

Bank
converting
into national
bank.

No savings bank and no departmental bank having a savings department, organized and existing under the laws of the State of California, shall convert into a national banking association except upon the following conditions:

1. Coincident with its application to the comptroller of the currency, any such savings or departmental bank shall file with the superintendent of banks formal notice of intention to convert into a national banking association.

Notice of
intention.

2. Prior to conversion, any such savings or departmental bank shall place in the hands of the superintendent of banks,

Notice of
conversion.

(a) A constructive notice for newspaper advertisement, directed to its savings depositors, of the fact of conversion;

(b) Actual notice addressed to each and every savings depositor, at his or her last known address, enclosed in stamped and addressed envelopes ready for mailing, this notice to be as follows:

"You are hereby notified that the undersigned, formerly the -----, now the -----, has converted from a banking corporation existing under the laws of California into a national banking association; and has therefore ceased to be under the jurisdiction and direction of the California state banking department and the bank act of California, and is now under the jurisdiction and control of the federal reserve act and the national act." No other matter may be enclosed with this notice unless by permission of the superintendent of banks.

3. Upon conversion said bank shall file with the superintendent of banks a copy of its authorization as a national banking association, certified by the comptroller of the currency; and shall surrender to the superintendent of banks its license as a state banking corporation.

Surrender of
state license.

4. Immediately following the conversion of a state bank, the superintendent of banks shall cause the publication of the notice provided in subdivision (a) of paragraph two of this section; same to be at least once a week for four successive weeks in a newspaper of general circulation, printed and published in every town where said bank transacts its business and if there be no such paper in any such town or towns, then in the county where such bank transacts its business, and the superintendent of banks shall cause to be mailed the notices provided in subdivision (b) of paragraph two of this

Advertise-
ment of
conversion.

section. The advertisement shall be at the expense of the converting bank, prepaid to the department.

SEC. 20. A new section is hereby added to said act, approved March 1, 1909, as amended, to be numbered fifty-six *b* and to read as follows:

National
bank
becoming
state bank.

Sec. 56*b*. Any banking corporation organized under the laws of the United States and doing business in this state may become an incorporated bank of this state with all the powers and subject to all the obligations and duties of banks organized under the provisions of this act, provided such banking corporation has authority by virtue of any law of the United States, to dissolve its organization as a national banking corporation. A national banking corporation desiring to become such an incorporated bank of this state shall proceed in the following manner:

It shall take such action, in the manner prescribed or authorized by the laws of the United States, as shall make its dissolution as a national banking corporation effective at a future date certain.

Articles of
incorporation.

A majority of its directors shall thereafter and before the time when its dissolution becomes effective, subscribe and acknowledge in duplicate upon the authority in writing of the owners of at least two-thirds of its capital stock, the articles of incorporation required by section two hundred ninety of the Civil Code of California, and attach thereto copies of the said written authority of stockholders and the resolution fixing the date at which its dissolution as a national banking association shall become effective, executed in the same manner as said articles of incorporation.

It shall thereupon take such action, in the manner prescribed or authorized by the laws of the State of California, as shall create a corporation for the purposes set forth in the said articles of incorporation.

Certificate of
author-
ization.

It shall thereafter and before the time when its dissolution becomes effective, make application to the superintendent of banks for his certificate of authorization to transact business as is prescribed in sections one hundred twenty-seven and one hundred twenty-eight of this act.

If the superintendent of banks shall issue his certificate of authorization to transact business, its corporate existence as a state bank shall begin as soon as its dissolution as a national banking corporation becomes effective. But such bank shall transact no business as a state bank other than that relating to its organization until it shall have received the said certificate of authorization of the superintendent of banks.

Property
transferred.

At the time when the corporate existence of said state bank begins all the property of the dissolved national banking association shall immediately by act of law and without any conveyance or transfer be vested in and become the property of such state bank. The directors of the dissolved corporation at the time of such dissolution shall be the directors of the bank created in pursuance hereof until the first annual election of

Directors.

directors thereafter, and shall have power to take all necessary measures to perfect its organization, and to adopt such regulations concerning its business and management as may be proper and not inconsistent with law.

SEC. 21. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered fifty-seven *a* and to read as follows:

Sec. 57*a*. Whenever in this act it is required that loans or investments shall be secured by a first lien on real estate, any lien given to secure the payment of assessments or subscriptions to meet the requirements of any law of the United States in respect to any irrigation project of the United States which may be levied, made or received by any corporation or association formed to carry out the objects and requirements of any such law of the United States, or the lien of any tax, assessment or bond levied, or issued by any state in the United States other than the State of California or by any county, city and county, city, town, municipality, school district or any other political or governmental subdivision of such state and the lien of any assessment levied to pay such bonds shall be deemed to be a prior encumbrance or lien on such real property; *provided, however*, that with the previous written consent of the superintendent of banks any bank may make loans or investments upon the security of real property so encumbered if the total of all such liens taken with the loan or investment so secured shall amount to not more than fifty per cent of the market value of the real property securing the same; *and provided, further*, that the superintendent of banks shall grant no such permission in the event that the payment of any installment or call of any such tax, assessment or bond or other governmental lien is due and delinquent.

SEC. 22. Section fifty-eight of said act, approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 58. Any bank possessing a capital and surplus of one million dollars or more may file application with the superintendent of banks for permission to exercise, upon such conditions and under such regulations as he may prescribe, either or both of the following powers:

First—To establish branches in foreign countries or in dependencies or insular possessions of the United States for the furtherance of the foreign commerce of this state and of the United States and to act if required to do so as fiscal agents of the United States.

Second—To invest an amount not exceeding in the aggregate ten per centum of its paid-in capital stock and surplus in the stock of one or more banks or corporations chartered or incorporated under the laws of the State of California, or of the United States, or of any state thereof, and principally engaged in international or foreign banking or banking in a dependency or insular possession of the United States either directly or through the agency, ownership or control

What are
prior liens.

Stats. 1919,
p. 830,
amended.

Application
for
permission
to engage in
foreign
banking.

of local institutions in foreign countries, or in such dependencies or insular possessions.

Investment
in stock of
international
banking
corporation.

Any bank, without regard to the amount of its capital and surplus, may file application with the superintendent of banks for permission, upon such conditions and under such regulations as may be prescribed by said superintendent of banks, to invest an amount not exceeding in the aggregate five per centum of its paid-in capital and surplus in the stock of one or more corporations chartered or incorporated under the laws of the United States or of any state thereof, and, regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares or merchandise from the United States or any of its dependencies or insular possessions to any foreign country; *provided, however*, that in no event shall the total investments, authorized by this section by any bank exceed ten per centum of its paid-in capital and surplus; *provided, also*, that such investments may be carried in either the commercial, savings or trust department, or may be apportioned to any two or all three of such departments of any departmental state bank.

Such application shall specify the name and capital of the bank filing it, the powers applied for and the place or places where the banking or financial operations proposed are to be carried on. The superintendent of banks shall have power to approve or to reject such application in whole or in part if for any reason the granting of such application is deemed inexpedient, and shall also have power from time to time to increase or decrease the number of places where such banking operations may be carried on.

Information
on foreign
banking
activities.

Every bank operating foreign branches shall be required to furnish information concerning the condition of such branches to the superintendent of banks upon demand, and every bank investing in the capital stock of banks or corporations hereinbefore described in this section shall be required to furnish information concerning the condition of such banks or corporations to the superintendent of banks upon demand, and the superintendent of banks may order special examinations of the said branches, banks or corporations at such time or times as he may deem best. The cost of such special examinations shall be paid by said branches, banks or corporations.

Agreement
with super-
intendent of
banks.

Before any bank shall be permitted to purchase stock in any such corporation the said corporation shall enter into an agreement or undertaking with the superintendent of banks to restrict its operations or conduct its business in such manner or under such limitations and restrictions as the said superintendent of banks may prescribe for the place or places wherein such business is to be conducted. If at any time the superintendent of banks shall ascertain that the regulations prescribed by him are not being complied with, said superintendent of banks is hereby authorized and shall

have power to institute an investigation of the matter and to send for persons and papers, subpoena witnesses and administer oaths in order to satisfy himself as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or of the bank or banks which may be stockholders therein, to comply with the regulations laid down by the said superintendent of banks, such banks may be required to dispose of stockholdings in the said corporation upon thirty days' notice, and in the event of their noncompliance with such order the superintendent of banks may institute proceedings for forfeiture of license.

Every such bank shall conduct the accounts of each foreign branch independently of the accounts of other foreign branches established by it and of its home office, and shall at the end of each fiscal period transfer to its general ledger the profit or loss accruing to each branch as a separate item.

SEC. 23. Section sixty of said act, approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 60. Every savings bank hereafter organized must have paid up in cash a capital stock of not less than

Stats. 1913,
p. 160,
amended.

(a) Twenty-five thousand dollars if its principal place of business is located in any locality the population of which does not exceed five thousand persons;

Capital
stock of
savings
banks.

(b) Fifty thousand dollars if its principal place of business is located in any city the population of which is more than five thousand persons, but does not exceed twenty-five thousand persons;

(c) One hundred thousand dollars if its principal place of business is located in any city the population of which is more than twenty-five thousand persons, but does not exceed one hundred thousand persons;

(d) Two hundred thousand dollars if its principal place of business is located in any city the population of which is more than one hundred thousand persons, but does not exceed two hundred thousand persons;

(e) Three hundred thousand dollars if its principal place of business is located in any city the population of which is more than two hundred thousand persons.

Excepting that any savings bank organized without capital stock must have a reserve fund of at least one million dollars.

Until the capital stock or reserve fund hereinbefore required shall be actually paid in, the superintendent of banks shall refuse to issue the certificate required by this act.

The foregoing classification shall not apply to any savings bank already in existence which has received its certificate to do a banking business from the superintendent of banks; nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office

Banks not
affected.

as provided in section nine of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock, but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception; *provided*, that nothing herein shall be construed to affect the provisions of section nineteen of this act relative to the proportion of capital and surplus to deposits or of section twenty-three of this act relative to the capital stock required of banks doing a departmental business.

The provisions of section twenty-three of this act, as to population, shall apply to any bank organized under the provisions of this section; *provided, however*, that nothing herein contained shall prevent the superintendent of banks in the exercise of his discretion from granting his license to any bank hereafter organized in a locality which has been included by annexation or consolidation within the limits of a city requiring a larger capitalization with a capital stock paid up in cash equal to that which would have been required for said locality if it had not been included by annexation or consolidation within the limits of a city requiring a larger capitalization; *provided*, that no bank so licensed shall be permitted to establish any branch office as provided in section nine of this act or to remove its place of business from the original limits of the city or township which has been included by annexation or consolidation within the limits of a city requiring a larger capitalization until it shall have the capital required of banks in such city requiring said larger capitalization.

· SEC. 24. Section sixty-one of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

SEC. 61. Any savings bank may purchase, hold or sell real or personal property, as follows:

1. The lot and building in which the business of the bank is carried on; furniture and fixtures, vaults and safe deposit vaults and boxes and other personal property such as may be necessary or proper to carry on its banking business; such lot and building, furniture and fixtures, vaults and safe deposit vaults and boxes shall not, in the aggregate, be carried on the books of such bank as an asset to an amount exceeding its paid-up capital and surplus; and hereafter, the authority of a two-thirds vote of all of the directors shall be necessary to authorize the purchase of such lot and building, or the construction of such building.

2. Such as may have been mortgaged, pledged or conveyed to it in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation.

3. Such as may have been purchased at any sales under pledge, mortgage or deed of trust made for its benefit for

Stats. 1919,
p. 631,
amended.

Purchase of
real and
personal
property by
savings
banks.

money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

4. Gold or silver bullion, and United States mint certificates of ascertained value.

5. Bonds and other securities of the following classes: Bonds.

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest; U. S. Bonds.

(b) Bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or those of any county, city and county, city or school district of this state; State of California bonds.

(c) Bonds or stocks or notes of any state in the United States, other than the State of California, that has not, within twenty-five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest, or those of any county, city and county, city or town, or school district, in any state in the United States other than the State of California, issued under authority of any law of such state, which county, city and county, city or town, or school district, had, as shown by the federal or state census next preceding such investment, a population of more than twenty thousand inhabitants; *provided, however*, that the entire bonded indebtedness of such county, city and county, city or town, or school district, including such issue of bonds or stocks or notes, does not exceed fifteen per centum of the value of the taxable property therein as shown by its last equalized assessment roll; *and provided, further*, that such county, city and county, city or town, or school district, or the state in which it is located has not defaulted in payment of any part of either principal or interest due upon any legally authorized bond or stock or note issue within twenty-five years next preceding such investment; Bonds of other states.

(d) Bonds of any district organized under the laws of the State of California which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks. District bonds.

(e) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division first of the Civil Code. Secured notes or bonds.

6. Bonds and other securities of the following classes; *provided*, that such bonds or securities shall first have been certified by the superintendent of banks after an investigation as provided for under section sixty-one *a* of this act;

Foreign
government
bonds.

(a) Bonds or interest-bearing notes or obligations of any foreign country or government, or those for which the faith and credit of any foreign country are pledged for the payment of principal and interest;

Irrigation
district
bonds of
another
state.

(b) Bonds of any district organized under the laws of any state in the United States other than the State of California for the purpose of irrigating lands within such district, which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of said state to conduct such investigation and give such approval; *provided*, that the entire indebtedness of such district, including the bonds under consideration, and all prior liens, within the meaning of section fifty-seven *a* of this act, do not exceed fifty per centum of the aggregate market value of the lands within said district, and of the irrigation system owned or to be acquired by said district with the proceeds of said bonds;

District
bonds.

(c) Bonds of any district organized under the laws of the State of California not otherwise provided for in this section;

Bonds of
railroad
corporation.

(d) (1) Bonds of any railroad corporation, as the same is defined in the "public utilities act," incorporated under the laws of any state in the United States and operating exclusively in the United States; *provided*, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions of section sixty-one *a* of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or,

(2) Bonds on any railroad corporation, the payment of which is guaranteed, both as to principal and interest, by a railroad corporation whose bonds are a legal investment for savings banks in this state.

Bonds of
other public
utility cor-
porations.

(c) (1) Bonds of any other public utility corporation, as the same is defined in the "public utilities act," incorporated under the laws of any state in the United States and operating exclusively in the United States; *provided*, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions of section sixty-one *a* of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or,

(2) Bonds of any similar public utility corporation, the payment of which is guaranteed, both as to principal and interest, by a public utility corporation other than a railroad corporation, whose bonds are a legal investment for savings banks in this state.

Determining
income.

In determining the income of any railroad or other public utility corporation mentioned herein, there shall be included the income of any corporation or corporations out of which it

shall have been formed through consolidation or merger, and of any corporation the entire business and income-producing property of which the corporation issuing such bonds has wholly acquired.

All bonds issued by a railroad or other public utility corporation must be secured by a mortgage or deed of trust which at the time of said certification is: either

Security for
railroad or
public util-
ity bonds.

I. A closed first mortgage or deed of trust; or,

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements heretofore specified in either paragraph (d) or (e) of subdivision 6 of this section applicable to such corporation after including the additional bonds then proposed to be issued; or,

III. A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements of such corporation after including the additional bonds then proposed to be issued; or,

IV. An underlying or divisional closed mortgage or deed of trust of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or deed of trust, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust or, if such income, maintenance charges or operating expenses can not be definitely ascertained, on the proper proportionate share of such property in the general income, maintenance charges, operating expenses and taxes of the corporation then owning such property and on the mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust.

(f) Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; *provided*, that the entire note or bond issue shall not exceed sixty per centum of the market value of such real estate, or such real estate with improvements, taken as security; *and provided, further*, in case the said note or bond issue is created for a building loan on real estate, that at no time shall the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security; *and provided, also*, in case said real estate is located outside of this state, that the provisions of this paragraph shall be subject to the limitations and modifications contained in section fifty-seven a of this act;

Bonds
secured by
lien on
real estate.

and provided, also, that no such notes or bonds shall be disqualified as investments for savings banks for the reason that the payment thereof is guaranteed by a policy of mortgage insurance.

Determining
market
value.

In determining the market value of any real estate under the provisions of the preceding paragraph where such real estate, improved or unimproved, consists of oil or other mineral or timber land, the value represented by such oil or other mineral or timber shall not be included in fixing such market value. Nothing herein contained shall prevent savings banks from making loans secured by mortgage or deed of trust upon lands wherein redwood timber is included in fixing the market value thereof.

Any bank, however, may, without such certification by the superintendent of banks, purchase any note or bond or issue of notes or bonds provided for in said paragraph (f) of subdivision six of this section, whenever such purchase constitutes the entire amount of notes or bonds executed by the makers thereof and secured by the same real estate; provided, that no savings bank shall hold any such notes or bonds unless such holding constitutes the entire issue thereof at any time outstanding; and provided, also, that nothing in this paragraph shall be construed to permit savings banks to invest in notes or certificates evidencing participation in any mortgage on real estate unless by law specifically authorized, or in or on any form of obligation secured by any undivided interest in real estate designed to distribute the obligation so secured.

Collateral
trust bonds
or notes.

(g) Collateral trust bonds or notes when secured by either:

(1) Deposit of notes or bonds authorized for investment by this section of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or,

(2) Deposit of notes or bonds authorized for investment by this section and other securities of a combined market value at least twenty per centum in excess of the par value of the collateral trust bonds or notes issued: provided, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by notes or bonds authorized for investment by this section.

Railroad
equipment
trust
certificates.

(h) Railroad equipment trust certificates or obligations issued or guaranteed by a corporation to which a loan or loans for the construction, acquisition, purchase or lease of railroad equipment has or have been made with the approval of the Interstate Commerce Commission; provided, that the entire issue shall not exceed sixty per centum of the cost of such equipment and shall mature serially not later than fifteen years from date of issue; provided, further, that said certificates or obligations must be secured by or be evidence of a prior lien upon or reservation of title to such equipment, or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchasing of said equipment.

(i) Acceptances issued by a discount, acceptance or investment corporation formed under the federal statute commonly known as the "Edge act" or under the "investment companies act" of New York, or by a corporation of identical character and capacity, organized under the laws of any state of the United States. Acceptances.

The legality of investments heretofore lawfully made pursuant to the provisions of this section, or of any law of this state as it existed on and subsequent to July 1, 1909, shall not be affected by any amendments to this section or this act; nor shall any such amendments require the changing of investments once lawfully made under this act.

Any bonds authorized by this section as a legal investment for savings banks may be carried on the books of said bank at their investment value, based on their market value at the time they were originally bought, unless the superintendent of banks shall require any or all of the bonds which may thereafter have a market value less than the original investment value to be written down to such new market value which shall be done gradually if practicable and in such manner as he may determine or he may, by a plan of amortization to be determined by him, require such gradual extinction of premium as will bring such bonds to par at maturity. Book value of bonds.

When it shall be necessary to prevent loss to any savings bank on an obligation owned or on a debt previously contracted in good faith, it may, with the previous written consent of the superintendent of banks, purchase or acquire bonds of any railroad corporation incorporated under the laws of the State of California and operated exclusively therein, notwithstanding such bonds do not conform to the requirements in this section contained; *provided*, any bonds so purchased or acquired must be sold for the best price obtainable by any bank within five years after such purchase or acquisition. Bonds of railroad operating exclusively in state may be purchased when.

No savings bank shall hereafter purchase or loan money upon any bond, note or other evidence of indebtedness, issued by any "public utility," subject to the jurisdiction, regulation or control of the railroad commission of this state under the provisions of the "public utilities act," approved December 23, 1911, and acts amendatory thereof or supplemental thereto, unless each such bond, note or other evidence of indebtedness was either: Conditions of loans on public utility bonds.

(a) Issued prior to the taking effect of the "public utilities act"; or,

(b) Issued under authority of the railroad commission in accordance with the provisions of said act, or,

(c) A note issued for a period not exceeding twelve months, in accordance with the provisions of subdivision (b) of section fifty-two of said act.

Stats. 1910,
p. 640,
amended.

Investigation
of bonds by
superin-
tendent
of banks.

Sec. 25. Section sixty-one *a* of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 61a. The superintendent of banks shall have power, when any issue of bonds or securities is presented to him for that purpose, to investigate and ascertain whether such bonds or securities come within and fully conform to all the requirements of paragraphs (*d*), (*e*), (*f*) or (*g*) of subdivision six of section sixty-one of this act, or of either of said paragraphs. He may also investigate and ascertain for what period of time, and upon what conditions, any franchise granted to or held by any corporation issuing any such bonds or securities will remain in force, and any other facts or conditions bearing upon the value of sufficiency of such bonds. The superintendent of banks may accept and act upon the opinions and appraisements of any attorneys, engineers or appraisers which may be presented by such person or corporation, so applying, and the reports of any of the executive officers of the corporation issuing such bonds or securities, on any question of fact concerning or affecting such bonds or securities, the security thereof, the franchise conditions herein mentioned, or the financial condition of the corporation issuing the same. In lieu of or in addition to such opinions, appraisements and reports, the superintendent of banks may, if he deems proper, have any or all such matters passed upon and certified to him by attorneys, engineers, appraisers or accountants of his own selection at the expense of the applicant. If the superintendent of banks shall find from such investigation that the bonds or securities so presented come within and fully conform to all the requirements of any of said paragraphs of subdivision six of section sixty-one of this act, and is satisfied from such investigation as to such franchise conditions, he shall so certify unless for any reason he shall be of the opinion that such bonds are not a safe or proper investment for savings banks, and in such event or if such bonds shall fail to meet the requirements of this act such certificate must be refused. The superintendent of banks also shall have power to investigate and ascertain the status and sufficiency as investments for savings banks of any bonds or notes or obligations specified in paragraphs (*a*), (*b*), (*c*), (*h*) and (*i*) of subdivision six of section sixty-one of this act. If upon such investigation it shall be determined in the opinion of the superintendent of banks that any bonds or notes or obligations specified in paragraphs (*a*), (*b*), (*c*), (*h*) and (*i*) of subdivision six of section sixty-one of this act constitute a proper investment for savings banks he shall so certify.

Certification
of bonds.

Revocation
of certificate.

Any certificate issued by the superintendent of banks under authority of the provisions of this section may be revoked at any time in his discretion. Any certificate issued in relation to notes or bonds of a railroad or other public utility corporation shall expire not later than three months after the end of the then current fiscal year of the corporation issuing such notes or bonds.

Any such certificate expiring may be renewed or extended by the superintendent of banks without application therefor from such corporation or other interested parties if he shall be satisfied that the notes or bonds referred to in said certificate are in conformity with the then requirements of section sixty-one of this act. Renewal.

The actual expense of investigating any issue of bonds or securities so presented shall be paid by the person, district or corporation presenting the same for investigation, and the superintendent of banks, before making such investigation, may require a cash deposit of such amount as he may deem necessary to cover such expense. The superintendent of banks shall keep an official list of all bonds and securities certified by him. Expense of investigation.

No provision of this act, and no act or deed, done or performed under or in connection therewith, and no finding made or certificate issued under any provision thereof, shall be held or construed to obligate the State of California to pay, or be liable for the payment of, or to guarantee in any manner whatsoever, the regularity or the validity of the issuance of any stock or bond certificate, or bond, note, or other evidence of indebtedness certified under any provision of this act, by the superintendent of banks.

It shall not be lawful for any individual, firm, association, bank, trust company, stock company, copartnership or corporation to advertise by newspaper or circular or in any other manner that any securities are legal investments for savings banks in this state unless such securities are at the time of said advertisement legal investments for savings banks in this state, or to use any advertisement which might lead the public to believe that any securities conform to the requirements of law relating to investments by savings banks unless such advertisement shall have been approved in writing by the superintendent of banks prior to publishing, circulating or otherwise issuing the same. Any individual, firm, association, bank, trust company, stock company, copartnership or corporation who shall advertise any securities in violation of the provisions of this paragraph shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars or by imprisonment in a county jail not exceeding one year or by both such fine and imprisonment. Unlawful advertisement of securities as legal investments.

SEC. 26. Section sixty-five of said act approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1910, p. 642, amended.

Sec. 65. No loan shall be made, for himself or as agent or partner of another, directly or indirectly, to any director or officer of any savings bank by such bank, or on the endorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization of or confirmation within thirty days after making such loan, by a majority of all the No loans to director or officer.

Loan to
another bank
owned by
stockholders.

directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan; *provided, however*, that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan; *provided, also*, that by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote upon such a loan made by one bank to another bank where the entire capital stock of one is owned by or held in trust for the stockholders of the other bank and where all or a majority of the board of directors of each of said banks is composed of the same persons. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing or confirming such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, officer or director of the corporation, to which such loan is made, the amount of stock held by him in such borrowing corporations, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employees of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the superintendent of banks. No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or officers and directors, of such savings bank collectively, except with the previous consent of the superintendent of banks.

Loan to
agent or
employee.

A loan may be made to any agent or employee, other than an officer or director, of any savings bank by such bank upon authorization or confirmation of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing or confirming such loan; *provided, however*, that such loan shall in all respects conform to and comply with all other provisions of this act. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of final payment,

when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employec of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employecs of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the superintendent of banks. Any officer or director of any savings bank who knowingly procures a loan from such savings bank contrary to the provisions of this section shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which one or more directors, officers, agents or employecs of such savings bank may be members or officers, but in which they have no financial interest.

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employec of a savings bank on the security of United States bonds, United States treasury certificates, or interest-bearing notes, or obligations of the United States, or those for which the faith and credit of the United States are pledged for repayment of principal or interest, or those issued under authority of the United States, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Sec. 27. Section sixty-seven of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 67. 1. No savings bank shall loan money except on adequate security of real or personal property, and no such loan shall be made for a period longer than ten years. No such loan shall be made on unsecured notes; *provided*, that a savings bank may discount or purchase bankers' acceptances of the kind and character and maturities defined and made eligible for rediscount with a federal reserve bank; *provided, also*, that such bankers' acceptances are accepted or endorsed without qualification by a bank or trust company, which bank or trust company has a paid-in capital of at least one million dollars; *and provided, also*, that a savings bank may discount or purchase a bill, or a participating interest in a bill, evidenced by

Stats. 1910,
p. 644,
amended.

Limitations
on loans.

a participation certificate issued by a state or national bank in this state, which must comply with the following requirements:

Require-
ments for
bill of
exchange.

(a) It must be a bill issued by a solvent individual or firm or corporation engaged in mercantile or manufacturing business in the United States that makes statements of its condition duly ascertained and certified to by a public accountant. Copy of such a certified statement shall be on file in the office of the savings bank discounting or purchasing such bill in a file maintained for such purpose. Said statement shall have been issued within the preceding fourteen months and shall be the latest issued by said individual or firm or corporation. Said statement shall consist of a balance sheet showing quick assets, slow assets, permanent or fixed assets, current liabilities and accounts, short term loans, long term loans, capital and surplus. Accompanying said balance sheet shall be a copy of a statement from the borrower or public accountant concerning the following:

(1) The nature of the business.

(2) All contingent liabilities such as endorsements or guarantecs.

(3) Particulars respecting any mortgage debts and whether there is any lien on current assets.

(4) The maximum and minimum liabilities of the individual, firm or corporation during the twelve months previous to the date of audit.

(b) It must be issued by an individual, firm or corporation whose net worth is not less than two times the amount of its outstanding liabilities, including any contingent liabilities arising from the rediscount of bills receivable or other accommodation endorsements, nor less than three hundred thousand dollars. The quick assets of said individual, firm or corporation, consisting of merchandise, finished, raw, and in the process of manufacture, accounts receivable, bills receivable, bonds or obligations of the government of the United States at the then market value of said bonds or obligations and cash, shall not be less than two times its outstanding quick liabilities including any contingent liabilities arising from the rediscount of bills receivable or other accommodation endorsements, as shown by said statement.

(c) It must have a maturity of not more than six months.

(d) It must have arisen out of actual commercial transactions; that is, be a bill which has been issued or drawn for industrial or commercial purposes or the proceeds of which have been or are to be used for such purposes.

Bills
ineligible for
discount or
purchase.

No bill shall be eligible for discount or purchase by a savings bank, the proceeds of which have been used or are to be used for any of the following purposes:

(1) For investments of a merely speculative character whether made in goods or otherwise.

(2) Must not have been issued for carrying or trading in stocks, bonds or other investment securities, except bonds of

the government of the United States, and must not cover merely investments.

(3) Must not be a bill of any individual, firm or corporation which has under pledge or hypothecation any of its personal assets.

The word "bill," when used in this section, shall be construed to include notes, drafts, or bills of exchange, and the word "goods" shall be construed to include goods, wares or merchandise.

Any savings bank purchasing or discounting such paper shall have in a file maintained for the purpose, letters from banks and merchants or mercantile reports bearing upon the credit and standing of the person, firm, copartnership or corporation whose paper is under discount. Credit reports.

No savings bank shall at any time acquire or hold, directly or indirectly, by discount or purchase, any such bills of any one person, firm, copartnership or corporation in any amount which shall exceed five per centum of the capital and surplus or reserve of such savings bank, nor shall any savings bank at any time acquire or hold, directly or indirectly, by discount or purchase, an amount of bills, of the character defined and limited by this section, greater than twelve and one-half per centum of the deposits of such bank. Limitation on amount.

No savings bank shall at any time acquire or hold, directly or indirectly, by discount or purchase, any such bankers' acceptances from any one acceptor in any amount equal at any time in the aggregate to more than ten per centum of its paid-up capital and surplus or reserve, unless the said acceptance is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; *provided, however*, that any savings bank may, irrespective of any such security, acquire and hold acceptances equal to twenty-five per centum of its capital and surplus or reserve, of any one acceptor having a paid-in capital of not less than three million dollars.

No savings bank shall at any time acquire or hold, directly or indirectly, by discount or purchase, a combined total amount of bankers' acceptances and bills of the character defined and limited by this section, greater than twenty per centum of the deposits of such bank: *provided, however*, that any savings bank may acquire and hold bankers' acceptances in the amount of two thousand five hundred dollars.

2. No savings bank shall invest or loan an amount greater than fifty per centum of its actual paid-up capital and surplus in or on any one note or bond issue of the class specified in paragraph (f) of subdivision six of section sixty-one of this act, or in or on mortgage participation certificates issued by a mortgage insurance company pursuant to the provisions of chapter eight of title two of part four of division first of the Civil Code, nor more than five per centum of its assets in or on any one issue of bonds or notes or obligations of any other class, except bonds of the United States, or interest- Loans on bonds.

Loans on
bonds.

bearing notes or obligations of the United States, or bonds of the State of California, bonds for which the faith and credit of the United States or of the State of California are pledged, or bonds of any county, city and county, city or school district in this state, or bonds of any irrigation district in this state such as are legal for investment by savings banks

3. No savings bank shall loan money:

(a) On bonds of the character specified in paragraph (a), (b), (c) and (d) of subdivision five of section sixty-one of this act, or on bonds of the character specified in paragraph (c) of subdivision six of section sixty-one of this act, unless such bonds shall have a market value at least ten per centum in excess of the amount loaned thereon; or,

(b) On bonds or notes or obligations of the character specified in paragraphs (d), (e), (g), (h) and (i) of subdivision six of section sixty-one of this act, when eligible as investments for savings banks pursuant to said sections, unless such bonds or notes shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(c) On bonds or equipment trust certificates legal for investment by savings banks in the states of New York or Massachusetts, unless such bonds or equipment trust certificates shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(d) On notes or bonds of the character specified in paragraph (f) of subdivision six of section sixty-one of this act when certified as legal investments for savings banks under the provisions of section sixty-one a of this act, or on securities issued by a mortgage insurance company pursuant to the provisions of chapter eight of title two of part four of division first of the Civil Code eligible for investment by savings banks, unless such bonds, notes or securities shall have a market value at least ten per centum in excess of the amount loaned thereon; or,

(e) On notes or bonds of the character specified in paragraphs (a) and (b) of subdivision six of section sixty-one of this act when certified as legal investments for savings banks in this state, unless such notes or bonds shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(f) On personal property unless such personal property shall have a market value at least fifty per centum in excess of the amount loaned thereon; or,

(g) On other bonds, or on capital stock of any corporation, unless such bonds or stock shall have a market value at least fifty per centum in excess of the amount loaned thereon; *provided, however,* that no loan shall be made upon the capital stock of any bank unless such bank has been in existence at least two years and has earned and paid a dividend on its capital stock.

Loans on
real estate.

4. No savings bank shall make any loan on security of real estate, unless it be a first lien, and in no event to exceed

sixty per centum of the market value of any real estate taken as security except for the purpose of facilitating the sale of property owned by such savings bank or except under the conditions specified in section fifty-seven *a* of this act; *provided*, that a second lien may be accepted to secure the repayment of a debt previously contracted in good faith; *and provided, also*, that any savings bank holding a first mortgage or deed of trust on real estate may take or purchase and hold or loan upon another and immediately subsequent mortgage or deed of trust thereon, but all such loans shall not exceed in the aggregate sixty per centum of the market value of the real estate securing the same; *provided, further*, that a savings bank may loan not to exceed ninety per centum of the face value of a mortgage which constitutes a first lien upon real estate, but in no event shall any such loan exceed ninety per centum of sixty per centum of the market value of the real estate covered by said mortgage or deed of trust.

5. No savings bank shall loan to any one borrower on the security of the capital stock of any corporation an amount exceeding ten per centum of the capital stock and surplus of such savings bank; *provided*, that all loans on the capital stock of any one corporation shall not exceed in the aggregate twenty-five per centum of the capital stock and surplus of such savings bank.

Loans on
capital
stock of
corporation.

6. No savings bank shall purchase, invest or loan its capital, surplus or the money of its depositors, or any part of either, in mining shares or stock and any president or managing officer who knowingly consents to a violation of any provision of this paragraph shall be guilty of a felony.

Mining
stock.

SEC. 28. Section sixty-eight of said act, approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats. 1910,
p. 647,
amended.

Sec. 68. Every savings bank or savings department of a bank shall at all times maintain total reserves equivalent to five per centum of the aggregate amount of its deposits, exclusive of United States, postal savings bank, state, county and municipal, and other public money deposits, which are secured as is required by law; at least two and one-half per centum of such deposits shall be maintained as reserves on hand, which shall consist of gold bullion, or any form of money or currency authorized by the laws of the United States, and two and one-half per centum of such deposits may be maintained as reserves on hand, which shall consist of bonds, or interest-bearing obligations of the United States, of gold bullion, or any form of money or currency authorized by the laws of the United States or may be maintained as reserves on deposit subject to call with any reserve depository provided for in sections twenty and forty-three of this act; *provided, however*, that all or any part of the reserves may be deposited, subject to call, with a federal reserve bank in the district in which such bank is located; *provided, also*, that no savings bank or savings department shall be required to

Total
reserves of
savings
banks.

maintain reserves on hand in excess of four hundred thousand dollars, and when such reserves on hand reach that amount, the balance of total reserves necessary to make up the five per centum may be kept as reserves on deposit, subject to call, with any reserve depository provided for in sections twenty and forty-three of this act.

Member of
federal
reserve
bank.

If any savings bank shall have become a member of a federal reserve bank, it shall comply with the reserve requirements of the federal reserve act and its amendments, and its compliance therewith shall be in lieu of, and shall relieve such savings bank or savings department of a departmental bank from compliance with the provisions of this section.

Failure to
maintain
reserves.

If any savings bank shall fail to maintain its total reserves in the manner authorized by this section, it shall be subject to the penalty provided for in section twenty of this act for commercial banks.

Deposits
with com-
mercial
banks.

No new loan shall be made during any deficiency in the total reserves. Deposits with any commercial bank, or commercial department of a bank, on open account, as provided in this section, shall be permitted and shall not be construed as loans. Not more than five per centum of the deposits of any savings bank shall be deposited with any one bank, except with the consent of the superintendent of banks; *provided*, that any savings bank may deposit with any one bank not more than twenty-five thousand dollars without the permission of the superintendent of banks. Not more than fifteen per centum of the deposits of any savings bank shall be deposited with all commercial banks, except with the consent of the superintendent of banks. No savings bank or savings department shall receive deposits of other banks other than savings deposits and such deposits shall not be treated or considered as a part of the reserves on deposit of such depositing bank; *provided, however*, that the sum so deposited shall not exceed thirty per centum of the paid-in capital and surplus of the depositing bank, nor more than fifteen per centum of the paid-in capital and surplus of the depository bank.

Stats. 1010,
p. 649,
amended.

SEC. 29. Section eighty of said act, approved March 1, 1909, as amended, is hereby amended to read as follows:

Loans of
commercial
banks.

Sec. 80. No commercial bank shall make any loans, directly or indirectly, to any person, firm, copartnership or corporation, in an amount which, including therein any extension of credit to such person, firm, copartnership or corporation, by means of letters of credit, or by acceptance of drafts for, or the discount or purchase of the notes, bills of exchange or other obligations of, such person, firm, copartnership or corporation, shall exceed the following percentage of its capital and surplus:

Without
security.

1. Ten per centum without security, except where such capital stock and surplus is not more than twenty-five thousand dollars, in which event an amount not to exceed twenty per centum of such capital stock and surplus may be loaned

without security, and where such capital stock and surplus is greater than twenty-five thousand dollars and does not exceed fifty thousand dollars, a sum not exceeding five thousand dollars may be loaned without security. Nothing herein shall prohibit any commercial bank from taking or receiving any kind, character or amount of security whatsoever, either real or personal, for the protection of any loan made under the provisions of this subdivision, but no such loan or any part thereof shall be considered or construed as a secured loan unless the whole thereof is loaned upon security worth at least fifteen per centum more than the amount of such loan; or,

2. Fifteen per centum, in addition to the amount that may be loaned under the provisions of subdivision one of this section, upon security worth at least fifteen per centum more than the amount of such loan so secured; *provided*, the total amount which can be loaned under subdivisions one and two hereof can not exceed twenty-five per centum in all; *provided, however*, that a separate note or notes shall be taken for the unsecured loans and a separate note or notes shall be taken for the secured loans, and the secured and unsecured loans shall not be combined in any way within one note, or notes; or,

3. Twenty-five per centum upon security worth at least fifteen per centum more than the amount of its loans so secured; or,

4. Forty per centum, provided such loans are upon commercial or business paper actually owned by the person negotiating the same to such bank, and are endorsed by such person without limitation; *provided, however*, that in addition to the amounts permitted to be loaned by subdivisions one, two or three of this section, an amount may be loaned on the securities fixed by subdivision four of this section, which taken with the amounts so permitted by said subdivisions one, two or three will not exceed forty per centum; *provided, also*, that the restriction under this section shall not apply to bills of exchange or drafts, with bills of lading attached, drawn in good faith against actual existing values.

Any commercial bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No commercial bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than ten per centum of its paid-up and unimpaired capital and surplus, unless the bank is secured either by attached documents or by some other actual security

growing out of the same transaction as the acceptance; and no commercial bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital and surplus; *provided, however*, that the superintendent of banks, under such general regulations as he may prescribe, which shall apply to all commercial banks alike regardless of the amount of capital and surplus, may authorize any commercial bank to accept such bills to an amount not exceeding at any time in the aggregate one hundred per centum of its paid-up and unimpaired capital and surplus; *provided, further*, that the aggregate of acceptances growing out of domestic transactions shall in no event exceed fifty per centum of such capital and surplus.

Any commercial bank may accept drafts or bills of exchange drawn upon it having not more than three months' sight to run, exclusive of days of grace, drawn under regulations to be prescribed by the superintendent of banks by banks or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies, or insular possessions; *provided, however*, that no commercial bank shall accept such drafts or bills of exchange referred to in this paragraph for any one bank to any amount exceeding in the aggregate ten per centum of the paid-up and unimpaired capital and surplus of the accepting bank unless the draft or bill of exchange is accompanied by documents conveying or securing title or by some other adequate security; *provided, further*, that no commercial bank shall accept such drafts or bills in an amount exceeding at any time the aggregate of one-half of its paid-up and unimpaired capital and surplus.

Limitations
not appli-
cable to
U. S. bonds.

None of the limitations or restrictions contained in the previous subdivisions of this section shall apply to loans, discounts or other extensions of credit secured by liberty bonds or by other bonds or securities issued by the United States government, if the market value of such liberty bonds or other securities exceeds by ten per centum the amount of any such loan, discount or other extension of credit.

Loans which are made upon security available for loans in a savings bank may be made in a commercial bank upon the same margin of security as is permitted to savings banks anything in this section to the contrary notwithstanding, and all such loans shall be deemed to be secured loans within the meaning of this section.

Computing
liabilities.

In computing the total liabilities of any person to a commercial bank there shall be included all liabilities to the bank of any copartnership or unincorporated association of which he is a member, and any loans made for his benefit or for the benefit of such copartnership or unincorporated associations; of any firm, copartnership or unincorporated association to a commercial bank there shall be included all liabilities of its individual members and all loans made for the benefit of such

copartnership or unincorporated association or any member thereof; and of any corporation to a commercial bank there shall be included all loans made for the benefit of the corporation.

Sec. 30. Section eighty-two of said act approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1913, p. 173, amended.

Sec. 82. Every commercial bank hereafter organized must have paid up in cash a capital stock of not less than, Capital stock of commercial banks.

(a) Twenty-five thousand dollars if its principal place of business is located in any locality the population of which does not exceed five thousand persons;

(b) Fifty thousand dollars if its principal place of business is located in any city the population of which is more than five thousand persons, but does not exceed twenty-five thousand persons;

(c) One hundred thousand dollars if its principal place of business is located in any city the population of which is more than twenty-five thousand persons, but does not exceed one hundred thousand persons;

(d) Two hundred thousand dollars if its principal place of business is located in any city the population of which is more than one hundred thousand persons, but does not exceed two hundred thousand persons;

(e) Three hundred thousand dollars if its principal place of business is located in any city the population of which is more than two hundred thousand persons.

The foregoing classification shall not apply to any commercial bank already in existence which has received its certificate to do a banking business from the superintendent of banks; nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section nine of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock, but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception; *provided*, that nothing herein shall be construed to affect the provisions of section nineteen of this act relative to the proportion of capital and surplus to deposits or of section twenty-three of this act relative to the capital stock required of banks doing a departmental business. Existing banks.

The provisions of section twenty-three of this act, as to population, shall apply to any bank organized under the provisions of this section; *provided, however*, that nothing herein contained shall prevent the superintendent of banks in the Banks in annexed territory.

exercise of his discretion from granting his license to any bank hereafter organized in a locality which has been included by annexation or consolidation within the limits of a city requiring a larger capitalization with a capital stock paid up in cash equal to that which would have been required for said locality if it had not been included by annexation or consolidation within the limits of a city requiring a larger capitalization; *provided*, that no bank so licensed shall be permitted to establish any branch office as provided in section nine of this act or to remove its place of business from the original limits of the city or township which has been included by annexation or consolidation within the limits of a city requiring a larger capitalization until it shall have the capital required of banks in such city requiring said larger capitalization.

Stats. 1919,
p. 650,
amended.

Loans to
officers, etc.,
commercial
bank.

SEC. 31. Section eighty-three of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 83. No loan shall be made for himself or as agent or partner of another, directly or indirectly, to any officer of any commercial bank by such bank or on the endorsement, surety, or guaranty of any such officer; *provided*, that a loan may be made to a corporation of which any officer of a commercial bank, proposing to make such loan, is a minority stockholder, director, officer, agent or employee. Loans to any director, agent or employee other than an officer, or to any firm, copartnership or corporation of which any director, agent or employee other than an officer is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership or corporation on the endorsement, surety, or guaranty of any such director other than an officer, agent or other employee, can be made by any commercial bank; *and provided, further*, that a loan may be made or a line of credit may be given to any member of an advisory board or body of a commercial bank, not otherwise an officer of such bank, or a loan may be made to any firm, copartnership or corporation of which any member of such advisory board or body is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership, or corporation on the endorsement, surety or guaranty of any such member of such advisory board or body upon such conditions as are herein fixed for a loan, directly or indirectly, or a line of credit and the report thereof to any director of such bank. Loans herein authorized can be made only on authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan. Such interested director shall not vote or participate in any manner in the action of the board on such loan; *provided*, that by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote upon such a loan made by one bank to another bank where the entire capital stock of one is owned by or held in trust for the stock-

holders of the other bank and where all or a majority of the board of directors of each of said banks are composed of the same persons. The board of directors of any such bank may fix the total amount of credit that may at any one time during the twelve months next succeeding be given to any director, agent, or other employee other than an officer, or to any firm, copartnership, or corporation in which any director, agent, or other employee other than an officer is a member, stockholder, director, officer, agent or other employee or to any corporation of which any officer of a commercial bank, proposing to fix such total amount of credit, is a minority stockholder, director, officer, agent or employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said twelve months be renewed from time to time, in whole or in part, by the officers of the bank without any further vote or action on the part of the board of directors. Each such authorization shall be entered upon the records or minutes of said bank. No director shall vote or participate in any manner in such action of the board fixing the total amount of credit that may at any one time be given to himself or to any firm, copartnership or corporation in which he is a member, stockholder, director, officer, agent or other employee. The fact of making such loan, the names of the directors authorizing such loan, the name of the director, agent or employee obtaining such loan, or the name of the firm, copartnership or corporation in which such director, agent or employee is interested, or the name of the corporation of which any officer of a commercial bank is a minority stockholder, director, officer, agent or employee obtaining such loan, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor, if any, and the fact of final payment when made shall forthwith be reported in writing by the cashier or secretary of such bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such commercial bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation which any two or more directors, officers, agents or employees of such commercial bank own not more than twenty per cent of the paid-in capital of such borrowing corporation shall not be reported to the superintendent of banks. In case a loan is made to a corporation there shall be reported in the same manner the name of each director and officer of such bank who is a member, stockholder, director, officer or employee of such borrowing corporation and the amount of stock held by him in such borrowing corporation. All the provisions of this section relating to reports shall apply to the granting of credit and all loans made under any credit given and payments made thereon shall also be reported immediately after the same is made. In case of a loan made without the previous authorization of the directors, the fact of making such loan shall forthwith be reported and the action of the

Amount
of credit.

board of directors, in confirming or refusing to confirm such loan within thirty days thereafter, and the fact of final payment when made shall be reported in the same manner as herein required for loans made under previous authorization. Any officer, director, agent, or employee of a commercial bank, who knowingly procures a loan from such commercial bank contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

This section shall not apply to any loan made to a religious corporation, club or other membership corporation of which one or more directors, officers, agents or employees of such commercial bank may be members or officers, but in which they have no financial interest.

No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or directors and officers of such commercial bank collectively, except with the previous consent of the superintendent of banks.

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a commercial bank, on the security of United States bonds, United States treasury certificates, or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for repayment of principal or interest, or those issued under authority of the United States, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Sec. 32. Section ninety of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 90. Any corporation which has been or shall be incorporated under the laws of this state, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population does not exceed one hundred thousand persons and which has a capital of not less than one hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the state treasurer the deposit of

Stats. 1919,
p. 653,
unamended.
Trust
companies.

money or securities of the character and in the amount ^{Trust} required by the terms of section ninety-six of this act, and _{companies.} which has received from the superintendent of banks the certificate of authority required by the terms of section one hundred twenty-seven of this act, to transact such business, and any corporation which has been or shall be incorporated under the laws of this state, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population exceeds one hundred thousand persons and which has a capital of at least two hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the state treasurer the deposit of money or securities of the character and in the amount required by the terms of section ninety-six of this act, and which has received from the superintendent of banks the certificate of authority required by the terms of section one hundred twenty-seven of this act, to transact such business, may act, or may be appointed by any court to act, in any such capacity in like manner as an individual, and when so qualified shall be known as a trust company. Any such trust company may, as provided in this act, accept or receive any deposit of money or personal property authorized, directed or permitted to be made with any such corporation by any court or law of this state, and may accept and execute any trust provided for in this act, or permitted by any law of this state, to be taken, accepted or executed by an individual. Any such trust company, if located in a city the population of which does not exceed one hundred thousand persons must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it and whenever such trust company shall, under the provisions of sections ninety-six and ninety-eight of this act, be required to make the first additional deposit of securities with the state treasurer, such trust company must also apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside an additional fifty

thousand dollars of paid-up capital as security for the faithful performance and execution of all court trusts accepted by it, and any such trust company, if located in a city, the population of which exceeds one hundred thousand persons, must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it; *provided*, that no such trust company shall at any time be required to apportion and set aside any portion of its surplus as security for the faithful performance and execution of such private trusts, nor shall it be prohibited from so doing; *and provided, further*, that the respective amounts of capital or capital and surplus so apportioned and set aside shall be treated in all respects as the separate capital or capital and surplus of each respective kind or class of business, as though the same were conducted by separate and distinct corporations, and each shall be kept, held, used and disposed of wholly for the exclusive benefit, protection and security of the respective classes of trust business to which the same were respectively so apportioned and set aside. In all cases in which it is required that an executor, administrator, guardian of estates, assignee, receiver, depository or trustee, shall qualify by taking and subscribing an oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation if such oath be taken and subscribed or such affidavit be made by the president, vice president, secretary, manager, trust officer or assistant trust officer, and such officer shall be liable for the failure of such trust company to perform any of the duties required by law to be performed by an individual acting in the capacity and subject to like penalties; *provided*, any such appointment as guardian shall apply to the estate only, and not to the person.

Powers of
trust
company
when
member of
federal
reserve
bank.

Any trust company upon becoming a member of a federal reserve bank is authorized and empowered:

To continue to administer, execute, enjoy and exercise all court and private trusts as defined in the bank act, powers, rights, privileges, and other fiduciary relations, appointments and business it may have at the time of becoming such trust company member, and also to take, execute and administer all new court and private trusts as defined in said bank act, including the right to the appointment of all fiduciary capacities in which it may be named in wills theretofore and thereafter executed and probated, and other appointments, powers, privileges and business, of every kind and nature, as may be then or thereafter permitted to, but subject to the same requirements and limitations as may be imposed upon any corporation under all of the provisions of the bank act.

To hold, administer, execute, and in all respects generally handle, manage and dispose of, without charge, restriction, limitation or impairment of any nature, all of its investments, rights, interests, titles to property, contractual, legal and other rights, obligations or liabilities, of every kind or nature, court and private trusts as defined in the bank act, and other powers which it may be then permitted to exercise by law.

A foreign corporation may be authorized to act in this state as trustee for the following purposes: Foreign corporation as trustee.

- (1) To deliver bonds, and receive payment therefor.
- (2) To deliver permanent bonds in exchange for temporary bonds of the same issue.
- (3) To deliver refunding bonds in exchange for those of a prior issue or issues.
- (4) To register bonds, or to exchange registered bonds for coupon bonds, or coupon bonds for registered bonds.
- (5) To pay interest on such bonds, and to take up and cancel coupons representing such interest payments.
- (6) To redeem and cancel bonds when called for redemption, or to pay and cancel bonds when due.
- (7) The certification of registered bonds for the purpose of exchanging registered bonds for coupon bonds.
- (8) To act as trustee under any mortgage, deed of trust, or other instrument securing notes or bonds issued by any corporation.

Sec. 33. Section ninety-two of said act approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1913, p. 178, amended.

Sec. 92. Any public administrator may deposit any or all moneys of any estate upon which he is administering, not required for the current expenses of such administration, with any such trust company authorized to transact business in the county, or city and county in which he is acting as such administrator. Any court having jurisdiction of an estate being administered by a public administrator, may direct such administrator to deposit all or any part of the moneys of said estate with any such trust company. Such deposit shall relieve the public administrator from depositing with the county treasurer the moneys so deposited with such trust company. Moneys so deposited by a public administrator may be drawn, upon the order of such administrator, countersigned by a judge of the superior court, when required for the purposes of administration, or otherwise. Deposit of trust funds by public administrator.

Sec. 34. Section one hundred one of said act, approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1915, p. 1132, amended.

Sec. 101. For the purposes of this act, all trusts permitted to be accepted or executed by any such trust company, under any provision of this act are hereby classified and defined as either: Classification of trusts.

- (a) Court trusts; or,
- (b) Private trusts.

Court trust.

A court trust is one in which any such trust company acts under appointment, order or decree of any court, as executor, administrator, guardian, assignee, receiver, depository or trustee, or in which it receives on deposit from a public administrator, under any provision of this act, or from any executor, administrator, guardian, assignee, receiver, depository or trustee, under any order or decree of any court money or property.

Private trust.

Any other trust is a private trust; *provided*, that the creator of any private trust of which a trust company shall be made, or at any time come to be, the trustee, may, at the time of the creation of such trust, or the creator of any such private trust, or his successors in interest, and the beneficiaries thereof may, at any time, by their joint consent, direct that such trust shall be subject to and entitled to the benefit of all of the provisions of this act relating to court trusts and thereafter such trust shall for all the purposes of this act be deemed to be a court trust and wherever in this act the words "court trust" are used they shall be deemed to include private trusts which are subject to supervision except in so far as any of the provisions of this act relating to court trusts may, by their nature, be inapplicable to such private trust. Such direction shall be in writing addressed to the trustee and a copy thereof, certified by the trustee, delivered to the superintendent of banks.

In case such direction shall be made after the acceptance of the trust, the trustee shall have the right to resign as such and a new trustee shall be appointed as provided in the trust instrument or by law. The inspection and supervision of the superintendent of banks shall extend only to court trusts as herein defined and to private trusts subjected to the provisions of this act relating to court trusts as above provided; except, that the superintendent of banks, his attorneys, examiners or other assistants may, in the examination of the bank, inspect and inquire into any private trust or trusts administered by such bank.

Private trusts, except as in this section provided, shall not be subject to the inspection or supervision of the superintendent of banks, his attorneys, examiners or other assistants.

In making the reports to the superintendent of banks required by this act, every trust company shall, in addition to the other facts to be reported by it, furnish only a list and brief description of the court trusts and private trusts, which are subject to supervision, held by it, the source of appointment thereto, the authority by which the appointment or deposit was made, and the amount of real or personal property held by such trust company by virtue thereof.

Receiving money in escrow.

Nothing in this act contained shall make it unlawful for any person or corporation not subject to the supervision of the superintendent of banks to engage in the business of receiving and holding in escrow money or its equivalent pending investment in real estate or securities for or on account of his or its

principal, or of acting as trustee under deeds of trust given solely for the purpose of securing obligations for the repayment of money, other than corporation bonds.

Sec. 35. Section one hundred thirty-nine of said act approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1917, p. 619, amended.

Sec. 139. It shall be the duty of the board of directors of every bank to examine fully, or to cause a committee of at least three of its members, none of whom shall be an officer of the bank, to examine fully into the books, papers and affairs of the bank of which they are directors, and particularly into the loans and discounts thereof, with a special view to ascertaining the value and security thereof, and of the collateral security, if any given, in connection therewith, and into such other matters as the superintendent of banks may require; such examination to be made at least once a year, but no such subsequent yearly examinations shall be made within three months of the next preceding examination. Such directors shall have power to employ such assistance in making such examinations as they may deem necessary. Within thirty days after the completion of such examination, a report in writing thereof, sworn to by the directors making the same, shall be made by the board of directors of such bank, and placed on file with the records of said bank, and shall be subject to examination by the superintendent of banks. Examination by board of directors.

Such report shall particularly contain a statement of the assets and liabilities of the bank examined, as shown by its books, together with any deductions from the assets, or additions to liabilities, which such directors or committee, after such examination, may determine to make. It shall also contain a statement, in detail, of loans, if any, which in their opinion are worthless or doubtful, together with their reasons for so regarding them; also a statement of loans made on collateral security, which in their opinion are insufficiently secured, giving in each case the amount of the loan, the name and market value of the collateral, if it has any market value, and if not, a statement of that fact, and its actual value as nearly as possible. Such report shall also contain a statement of overdrafts, of the names and amounts of such as they consider worthless or doubtful, and a full statement of such other matters as affect the solvency and soundness of the bank. Report.

If the directors of such bank shall fail to make such examination or fail to cause it to be made, or shall fail to file such report of such examination in the manner and within the time specified, the superintendent of banks shall have authority to make or cause to be made an extra examination of such bank, at the expense of such bank. Failure to make examination.

Whenever the board of directors of any bank may determine by resolution, duly entered in its minutes, that a special examination shall be made or caused to be made by the superintendent of banks in lieu of the examination herein required Special examination.

to be made by the board of directors of such bank, a certified copy of such resolution shall be transmitted to the superintendent of banks, whereupon it shall be the duty of the superintendent of banks to make or cause to be made a special examination of the affairs of such bank in lieu of the examination of such bank by the board of directors thereof. Such special examination shall be made at such time as the superintendent of banks may determine but in any event such examination shall be made within sixty days after the receipt by the superintendent of banks of the resolution hereinbefore referred to. The cost of making such examination shall be a charge against the bank for which such examination is made.

Upon the completion of such examination the superintendent of banks shall cause a report thereof in writing to be prepared and delivered to the board of directors of such bank at such time as may be fixed by the superintendent of banks, but not later than thirty days after the completion of such examination.

The superintendent of banks may accept in lieu of the directors' examination herein provided for any year any examination, made, during such year, by the Federal Reserve Bank of San Francisco, of any bank which is a member of the Federal Reserve Bank of San Francisco.

Urgency
measure.

SEC. 36. This act, inasmuch as its object is to make available without delay the resources of the state banks of California to present and insistent agricultural, industrial and manufacturing necessities, is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, and under the provisions of section one, article four of the state constitution, it shall take effect immediately.

The present urgent, financial need of California is a greater liquidity of its banking assets and a larger available credit. This act is designed to fulfill the promise of departmental banking in this state by granting a larger measure of freedom to and liquidity of the tremendous banking assets of California; this act grants to state banks particularly the same freedom in uttering acceptances and the same liberal loaning capacity now enjoyed by national banks in this state.

Sixty per cent of the banking resources of California are resident in state banks but upon national banks in this state has been thrown the great bulk of the commercial credit burden of our productive enterprises. This act is intended, as far as safely will permit, to bring to the relief of the situation the banking and credit resources of the state banks.

Our financial readjustment is largely dependent upon our ability to resume safely and profitably, our foreign trade. The existing economic disturbance in nation and state is measurably the result of our inability to sell our products abroad. The so-called Edge act corporations, which are designed to function in foreign trade much as the federal reserve system has functioned in domestic finance, will solve this problem.

The foreign trade corporation now being organized under congressional authority must receive the support of the state banks of California if California products now unsold are to find a foreign market. By act of congress national banks in California are permitted to and are now subscribing for stock of this foreign trade corporation. State banks cannot do so unless and until this act is a law of this state. Time is the essence of this situation and the movement of California dried fruits, canned fruits, cotton, wool, etc., is essentially dependent upon this act, the urgency of which is apparent.

CHAPTER 781.

An act concerning the waterfront of the city and county of San Francisco.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. In addition to the powers now possessed by the board of state harbor commissioners to open along the water front line of the city and county of San Francisco a thoroughfare of a uniform width of two hundred feet, and to lay out and open up other water front streets of said city and county the said board is authorized and is hereby given the power to acquire needed lands for that purpose by purchase or to exchange therefor upon an equitable basis any portion or portions of the property of the State of California, under the jurisdiction of said board, lying inland of the inshore line of the said contemplated thoroughfare or water front streets, or to sell any of said inland property, and to apply the proceeds thereof to the purchase of any of said needed lands, and a full record of the proceedings of the said board in said regard shall be entered upon the minutes of the board and a sworn statement of all transactions, exchanges, sales, purchases and other transactions shall be filed with the secretary of state. Said statement shall show in full the payments and receipts itemized so as to definitely exhibit the price of each parcel or parcels of land transferred, and in case of exchange, to definitely describe the parcel or parcels exchanged.

Purchase of
lands for
thoroughfare
on San
Francisco
waterfront.

SEC. 2. Nothing herein contained shall curtail or limit the board's present power to acquire property for the purposes indicated by proceedings in eminent domain and the respective rights as provided herein and the power of the board to condemn shall be concurrent and neither or any shall be dependent upon the other, or any other.

SEC. 3. The said thoroughfare and said contemplated streets are hereby declared a public use in the laying out and opening of which the right of eminent domain may be exer-

cised by the board of state harbor commissioners, in the name of the people of the State of California for the estates and rights, and in the manner provided in part three, title seven, of the Code of Civil Procedure; the said commissioners are authorized to pay, out of the harbor improvement fund, any compensation and damages assessed in such proceedings.

SEC. 4. The said board shall have and it is hereby granted similar power as hereinabove provided for the purpose of acquiring any land held in private ownership seaward of the waterfront line for the purposes of commerce and navigation, and any land lying seaward of the waterfront line of the city and county of San Francisco is necessary for commerce and navigation and is hereby declared a public use for that purpose.

SEC. 5. The board is further authorized to acquire by purchase or by exchange of property, any lands along the waterfront of the city and county of San Francisco for the purpose of the commerce of the port and upon such acquisition, the line of jurisdiction of said board shall be extended so as to embrace said property.

CHAPTER 782.

An act creating a reclamation district to be called and known as "Bay Farm island reclamation district," providing for the management and control thereof, and dissolving any reclamation district lying wholly within the boundaries of said Bay Farm island reclamation district, and providing for the liquidation and winding up of any such said dissolved district.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Bay Farm
island reclama-
tion
district
created.

SECTION 1. A reclamation district is hereby created to be called and known as "Bay Farm island reclamation district," and the exterior boundaries of said reclamation district shall be as follows:

All those lots, portions of lots, pieces and parcels of land, streets, alleys and canals, and portions of streets, alleys and canals, lying within and being a part of the cities of Alameda and Oakland and the county of Alameda, all lying in the county of Alameda, State of California, in accordance with maps and surveys specifically referred to herein, and lying within a territory bounded as follows:

Beginning at a point at the northeast corner of lot one, section nineteen, township two south, range three west, as designated and so delineated on that certain map entitled "Map number two, salt marsh and tide lands situate in the

county of Alameda, State of California, 1871," prepared by ^{Boundaries.} order of the board of tide land commissioners, G. F. Allardt, chief engineer of the tide land survey, said may being on file, in the office of the surveyor general of the State of California, in the city of Sacramento, county of Sacramento, State of California; extending thence in a due westerly course to the center line of county road number one thousand four hundred sixty-eight produced northerly; thence in a southerly direction along the center line of said county road numbered one thousand four hundred sixty-eight to the point of intersection with the northerly line of lot six, section thirty, township two south, range three west, in accordance with United States congressional survey; thence westerly along the said north line of said section thirty to a point on said line distant twenty-five chains easterly from the northwest corner of said section thirty, said point having been established by W. F. Boardman, deputy United States surveyor, by survey made November 2, 1869, the notes thereof being on file in the office of the United States surveyor general in San Francisco, California; thence following the meanders of the upland in said section thirty as established by said survey south seventy-four degrees east eleven and ninety-six one-hundredths chains; thence south fifty-eight and one-half degrees east seven and eighty-eight one-hundredths chains; thence south five degrees forty minutes west two and sixty-eight one hundredths chains; thence south forty-eight and one-half degrees east fourteen chains; thence south twenty-four degrees east seven and sixteen one hundredths chains; thence south twenty-one and one-half degrees west twelve and seventy-seven one-hundredths chains; thence due south two and twenty one hundredths chains to the margin of the bay of San Francisco at mean high tide; thence north seventy degrees west six and sixty-six one hundredths chains; thence south eighty-nine and one-half degrees west five and forty-eight one hundredths chains; thence south fifty-one degrees west one and twenty-one one hundredths chains; thence north seventy-five degrees west eight and fifty-six one hundredths chains; thence south seventy-eight and one quarter degrees west two and eighty one hundredths chains; thence south twenty-seven and one-quarter degrees west two and thirty-six one hundredths chains; thence north forty-four and one-quarter degrees west ten and five one hundredths chains; thence north fifty and one-half degrees west seven and forty-four one hundredths chains; thence north sixty-two and one-half degrees west three and seventy one hundredths chains; thence north seventy-six degrees west four and forty-six one hundredths chains; thence north sixty-four degrees west to the dividing line between section thirty, township two south, range three west, and section twenty-five, township two south, range four west, which line is in accordance with said board of tide land commissioners' map number two; thence due south along said dividing line between said township two south, range three west, and said township two

Boundaries. south, range four west, to the southwest corner of lot twenty-five, section thirty, township two south, range three west; continuing thence south sixty-nine degrees forty-three minutes east to the southeast corner of lot seventeen, section thirty-two, township two south, range three west; continuing thence south twenty-one degrees forty-eight minutes east to a point on the township line between townships two and three south; continuing thence in a due easterly direction along said township line to the southeast corner of lot thirty-two, section thirty-three, township two south, range three west; continuing thence in a northerly and westerly direction around the easterly and northerly lines of said lot thirty-two to the northwest corner of said lot thirty-two, which point is the common point designated station fifty on table one, and station one on table two, as so delineated on aforesaid map number two; thence north three and forty one hundredths chains; north forty-eight and one-half degrees east four and seventy one hundredths chains; north seven degrees west five and seventy one hundredths chains; north thirteen and three-quarters degrees east four and eighty one hundredths chains; north sixteen and three-quarters degrees west three and twenty one hundredths chains; north fourteen and one-quarter degrees east two and thirty one hundredths chains; north fifty-seven and one-quarter degrees east two chains; north four and one-quarter degrees west three and ten one hundredths chains; north fifty-one and one-quarter degrees west three and forty one hundredths chains; north thirteen and three quarters degrees east two and forty one hundredths chains; north twenty and three-quarter degrees west nine and twenty one hundredths chains; north fifty-one degrees west two and twenty one hundredths chains; north ten degrees west ten chains; north fifty-eight and one-quarter degrees east one and seventy one hundredths chains; north eighteen degrees west three and ninety-one one hundredths chains; north seventeen degrees east seven and twenty one hundredths chains; north forty four and three-quarter degrees west four and fifty one hundredths chains; north twenty-nine degrees west 3 chains; north seventy-two and one-half degrees west 3 chains; south seventy-eight and one-half degrees west three and thirty one hundredths chains; north twenty-five degrees west four and fifty one hundredths chains; north thirty-nine degrees east three and eighteen one hundredths chains; north twenty-five and three-quarter degrees west one and seventy-six one hundredths chains; north seventy-two and one-half degrees west six chains; north twenty-nine and one-half degrees west three and forty one hundredths chains; north twenty-nine degrees east two and fifty one hundredths chains; north six degrees west one and forty one hundredths chains; north sixty-four degrees east one and sixty one hundredths chains; north sixty-three degrees west two chains; north nine and one-half degrees east three and thirty one hundredths chains; north forty-five and one-half degrees west three and forty one hundredths chains; north

sixty-nine and one-half degrees west four chains; south sev-
 enty-five and one-half degrees west two and thirty one hundredths chains; north twenty-one and one-half degrees west six
 chains; north fifteen and one-half degrees east seven chains;
 north eight degrees west four and seventy one hundredths
 chains; north forty-five and one-quarter degrees west four and
 ninety-six one hundredths chains; north eight degrees west four
 and sixty one hundredths chains; north twenty-two and one-
 quarter degrees east five and twenty-one hundredths chains;
 north forty-five degrees east four and fifty one hundredths
 chains; north eighty-eight and one-quarter degrees east four
 and ninety one hundredths chains; north one and three-quarter
 degrees west three and seventy one hundredths chains; north
 thirty-five and one-half degrees west five and sixty one hun-
 dredths chains; north twenty-six and one-half degrees east
 six and fifty one hundredths chains; north thirteen and one-
 half degrees east three and seventy one hundredths chains;
 south eighty-one degrees east three and thirty one hundredths
 chains; north forty-four degrees east two and fifty one hun-
 dredths chains; north fourteen degrees thirty-eight minutes
 west eleven chains; north sixteen degrees twenty-two minutes
 east twelve and fifty one hundredths chains; north twenty-
 two degrees west six chains; north six and one-quarter degrees
 west seven chains; north forty-four and three-quarter degrees
 east three chains; north seventy-two and three-quarter degrees
 east two and eighty one hundredths chains; north twenty-
 seven and three-quarter degrees west seven chains; north two
 degrees west five and sixty one hundredths chains; north
 fifteen degrees east five chains; north two and one-half degrees
 east five and sixty-one hundredths chains; south seventy
 degrees east four and sixty one hundredths chains; south
 thirty-four and one-half degrees east one and twenty-five one
 hundredths chains; south four and one-half degrees east two
 chains; south eighteen and one-half degrees east one and
 seventy one hundredths chains; south thirty-eight and three-
 quarter degrees east one chain; south sixty-three and one-
 quarter degrees east one and twenty-five one hundredths
 chains; south thirty-seven and three-quarter degrees east one
 and fifty one hundredths chains; south forty-nine and three-
 quarter degrees east two and twenty one hundredths chains;
 south thirty-four and one-quarter degrees east two chains;
 south seven and one-half degrees east three and twenty one
 hundredths chains; south thirty-seven and one-half degrees
 east four chains; north seventy-nine and one-half degrees east
 one and fifteen one hundredths chains; north thirty-eight
 degrees west two and sixty one hundredths chains; north
 twenty-seven degrees west one and seventy one hundredths
 chains; north one and one-quarter degrees west two and ninety-
 five one hundredths chains; north thirty-eight and one-half
 degrees west one and thirty one hundredths chains; north
 thirty and one-half degrees west one and forty one hundredths

Boundaries.

Boundaries. chains; north forty-eight and one-half degrees west one and seventy one hundredths chains; north thirty-seven and one-quarter degrees west one and fifty-five one hundredths chains; north forty-nine degrees west one and ninety one hundredths chains; north twenty-six and three-quarter degrees west one and forty one hundredths chains; north fifteen and one-half degrees west four and fifty one hundredths chains; north sixty-one and three-quarter degrees west two and twenty one hundredths chains; north twenty and three-quarter degrees west seven chains; north thirty and one-half degrees west one and forty one hundredths chains; north sixty-two and three-quarter degrees west two chains; north forty-eight and one-quarter degrees west two chains; north twenty-four and one-half degrees west two and eighty one hundredths chains; north twenty-nine degrees west four and seventy one hundredths chains; north sixty-nine degrees east ninety one hundredths chains; south seventy-two and one-half degrees east two chains; north sixty-two and one-half degrees east one chain; north nineteen and one-half degrees west two and ninety one hundredths chains; south sixty-five degrees east two and forty one hundredths chains; north sixty and one-quarter degrees east three and sixty one hundredths chains; north sixty-eight degrees east one and seventy one hundredths chains; north twenty-two and three-quarter degrees east three and eighty one hundredths chains; north forty-three and three-quarter degrees east two chains; north fifty-nine and three-quarter degrees east one and fifty one hundredths chains; north twenty-three and three-quarter degrees east one and ninety one hundredths chains; north forty-six and one-quarter degrees west sixty-five one hundredths chains; south forty-six and three-quarters degrees west one and forty one hundredths chains; south eighty-one and one-quarter degrees west one and eighty-five one hundredths chains; south sixteen and one-half degrees west four and thirty-one hundredths chains; south twenty-three and three-quarters degrees west one and ninety-five hundredths chains; thence south sixty-five and three-quarters degrees west two and twenty-one hundredths chains; thence north four and three-quarters degrees east two and forty-one hundredths chains; thence north fifty and one-quarter degrees west one and thirty-one hundredths chains; thence north twenty-seven and three-quarters degrees west one and no hundredths chains to a point on the southeasterly line of the Fitchburg homestead; thence in a southwesterly direction along the said southeasterly line of the said Fitchburg homestead and along said line projected southwesterly to a point of intersection of said projected line with the northerly line of lot seventeen, section twenty, township two south, range three west, projected easterly; thence due west to the northwest corner of lot eighteen of said section twenty; thence south twenty-one degrees fifty-eight minutes east to the southwesterly corner of lot seventeen, section twenty, township two south, range

three west; thence due westerly to the northeast corner of lot thirty, section twenty, township two south, range three west; thence north forty-four and one-quarter degrees west to a point of intersection of said line with the northerly line of lot seven, section twenty, township two south, range three west; thence westerly to the point of commencement.

All of the aforesaid section, township and range numbers relate to Mount Diablo base and meridian in California, in accordance with the aforesaid board of tide land commissioners' survey.

SEC. 2. The management and control of said Bay Farm island reclamation district is hereby made subject to the provisions of article two of chapter one of title eight of part three of the Political Code of the State of California relating to swamp and overflowed lands and reclamation districts, or any amendments or additions thereto. Except as otherwise provided in this act, the management and control of said Bay Farm island reclamation district shall be vested in three trustees who shall hold office until their successors are elected or appointed and qualified. A. L. Stone and Henry M. Wolff and Otto von Geldern are hereby appointed trustees for said reclamation district to act until their successors are elected or appointed and qualified. An election of three trustees shall be held in said district on the third Tuesday in October, one thousand nine hundred twenty-six, and on the third Tuesday in October every four years thereafter, at which said elections the trustees of the said district are to be elected in pursuance with the provisions of the Political Code of the State of California thereunto appertaining, and the trustees so elected shall hold office until said successors are elected or appointed and qualified.

In case of any vacancy in the office of trustees of said district the governor of this state shall appoint some person as trustee who shall hold said office until the next election. All trustees whether appointed by the governor of this state, or named herein, or elected as herein provided, shall hold office at the pleasure of the governor of this state.

The office and principal place of business of said district shall be in the city of Oakland and in such place as the board of trustees may from time to time fix.

The board of supervisors of the county of Alameda shall have jurisdiction of all matters concerning said district to the same extent as if the said district were formed under the provisions of the said Political Code of the State of California, except as otherwise provided in this act.

All funds of said district shall be deposited with the county treasurer of the said county of Alameda, and shall be disbursed by the treasurer of said county in payment of the warrants of the district.

A majority of the board of trustees of said district shall adopt by-laws, not inconsistent with the laws of the State of California, for the government and control of the affairs of

Powers of trustees.

the district. The by-laws thus adopted must be signed by a majority of the board of trustees, and must be by them filed with the county recorder of Alameda county, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to reclamation. The by-laws thus adopted may be amended at any time in the same manner that the original by-laws were adopted. Said district and the trustees thereof shall have all the rights and powers, which are now, or may hereafter be, conferred by the provisions of the Political Code or by other laws of the State of California upon reclamation or swamp land districts. The board of trustees shall have the power to elect one of its members president thereof, to employ engineers and others to survey, plan, locate and estimate the cost of work necessary for the reclamation of the lands of the district; to thereafter at any time in its discretion modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when in its judgment the same shall have become necessary; to acquire by purchase, condemnation, or other legal means the right of way and the right to take material for the construction of all works necessary for the accomplishment of that object, including the right to acquire by purchase, condemnation or other legal means, any existing works of reclamation including such drains, canals, sluices, bulkheads, water-gates, levees, embankments and pumping plants as may have been heretofore constructed or erected at or near the said Bay Farm island reclamation district, and which in the opinion of said trustees are or may be necessary to the general plan or plans decided upon by said trustees for the reclamation of the said district. The said Bay Farm island reclamation district shall also have the right and power to join with other reclamation districts, levee districts, or swamp land districts, or other persons in the construction and maintenance of reclamation works, and to contract for the same, and also to do other acts and things that may be incident to or necessary to the reclamation of the lands of the said district as the board of trustees thereof may determine. All the provisions of the Political Code of the State of California, unless inconsistent with the provisions of this act, are made a part of this act and shall be deemed to be incorporated herein. And the said reclamation district hereby created shall have the power in addition to the power hereby conferred, to do all other acts or things that any other reclamation district in the State of California shall have the power to do under any existing law, or any law hereinafter enacted. The said Bay Farm island reclamation district shall have the right to construct or purchase or lease works of reclamation either within or without the boundaries of the reclamation district for the purpose of promoting the reclamation of lands within said district.

SEC. 3. Any reclamation district wholly situate within the boundaries of said reclamation district is hereby dissolved, Dissolution of existing district. except for the purpose of liquidation, if such be necessary, and the disposition of its property, if any there be, and for this purpose only is the existence of said district contained. Any land situate within the boundaries of Bay Farm island reclamation district is hereby excluded from any such reclamation district.

SEC. 4. All acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby repealed. Repealed.

CHAPTER 783.

An act concerning the registration, numbering, and use of air craft, and the licensing of operators thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The term "air craft" as used in this act shall include every kind of vehicle or structure intended for use as a means of transporting passengers or goods, or both, in the air; the term "aeronaut" shall include every person who, being in or upon an air craft or anything attached thereto, undertakes to direct its ascent, course, or descent in the air or the ascent, course, or descent in the air of anything attached to such air craft; the word "fly" or the word "voyage" shall include every kind of locomotion by an air craft. Definitions.

SEC. 2. No air craft shall be flown from any point in this state or to any point in this state unless said air craft is registered as provided by section three of this act, except as provided by section nine hereof. Registration of aircraft.

SEC. 3. Every owner of one or more air craft kept in this state, shall file, annually, in the office of the superintendent of the motor vehicle department, upon a blank furnished by the superintendent, a statement of his name, residence, and post office address, and a description of each air craft owned by him, and shall give such other information pertaining thereto as shall be required by the superintendent; and said superintendent shall register each air craft, assigning to it a distinguishing number, and shall thereupon issue to such owner a certificate of registration which shall contain the name, place of residence, and post office address of such owner, the number assigned to such air craft, and such further information as said superintendent may determine. Such certificate shall at all times be carried upon such air craft and shall be subject to examination, upon demand by any proper officer. An applicant for the registration of an air craft who does not file his application until after the first Certificate issued by superintendent of motor vehicle department.

Transfer of
ownership.

day of June in any year shall be entitled to a pro-rata reduction in the fee for such registration, calculated to the first day of the month in which application is made. Upon the transfer of ownership of any air craft its registration shall expire, and the person in whose name such air craft is registered shall forthwith return the certificate of registration to the superintendent, with a written notice stating the date of such transfer of ownership and the name, place of residence, and post office address of the new owner. The registration of every air craft shall expire at midnight on the thirty-first day of December in each year.

Expiration
of registra-
tion.

Number
plate.

SEC. 4. Every air craft shall, at all times when in use or operation within this state, have displayed thereon, in a conspicuous place and in the manner directed by the superintendent of the motor vehicle department, a plate or marker bearing, in figures not less than three feet in height the distinguishing number assigned to said air craft.

License to
operate
air craft.

SEC. 5. No person, except as hereinafter provided, shall direct or operate an air craft or act as aeronaut of any air craft until he shall have obtained from the superintendent of the motor vehicle department a license for that purpose as hereinafter provided. No such license shall be issued until said superintendent has caused the applicant to be examined by boards of one or more competent persons, who shall serve without compensation, said examination to be conducted in such manner as said superintendent may determine and said board is satisfied that the applicant is a proper person to receive such license, except that said superintendent may issue, without examination, a license to any aeronaut holding a license from any association of individuals or societies formed for the purpose of promoting the science of aeronautics or aviation, if the standing and character of such association is such that said boards are satisfied that such license has been issued after due examination and deliberation. In any case the applicant must be able to pass the tests required by the United States army or navy for a military or naval aviator or aeronaut. Nothing herein contained shall prevent the operating of an air craft by an unlicensed person nineteen years of age or more, other than a person whose application has been refused or revoked, if accompanied by a licensed aeronaut, which licensed aeronaut shall be personally liable for any violation of the provisions of this act, or if receiving flying instruction from a regularly established flying school.

Examina-
tion.

Classes of
licenses.

SEC. 6. Licenses for directing or operating an air craft shall be issued by said superintendent, but no license shall be issued by said superintendent to any person under the age of nineteen years, and such licenses shall be divided into three separate classes: License to operate spherical balloons; license to operate dirigible balloons; license to operate aeroplanes or heavier-than-air machines. Applications for licenses shall be made upon blanks furnished by said superintendent, which blanks shall be in such form and shall contain such provisions,

not inconsistent with this act as said superintendent may determine. A number shall be assigned to each license and a proper record of all applications for licenses and of all licenses issued shall be kept by said superintendent at his office and shall be open to public inspection. Each license shall state the name, place of residence, and post office address of the licensee and the number assigned to him, the class of air craft to be operated, and such provisions, not inconsistent with this act as the superintendent may determine. Such license shall expire at midnight on the last day of December in each year. Such license, shall at all times be carried by the licensee when he is directing or operating an air craft in this state, and shall be subject to examination upon demand, by any proper officer.

SEC. 7. The superintendent of the motor vehicle department shall collect fees as follows: For the registration of every air craft, five dollars; for examinations and tests of an applicant for a license to direct and operate air craft, as provided in this act, such sum as he may require, in any instance not exceeding twenty-five dollars; for a license to operate and direct air craft, two dollars; for every additional copy of a certificate of registration or license, fifty cents.

SEC. 8. The superintendent of the motor vehicle department may, after due hearing suspend or revoke any certificate of registration or any license to operate issued to any person under the provisions of this act, for any cause which he may deem sufficient.

SEC. 9. Any nonresident of this state may operate an air craft in this state without complying with the provisions of this act, relative to the registration of air craft and the licensing of aeronauts; *provided*, that the said nonresident shall secure special authority from the superintendent of the motor vehicle department before any exhibition flight.

SEC. 10. No aeronaut shall engage in aerial acrobatics below an altitude of one thousand five hundred feet, nor over populated or built over districts, whether land or water, nor over an enclosure at a meet or exhibition which is not closed to spectators. By "aerial acrobatics" is meant any manipulation of the controls which may tend to divert the aircraft from a normal flight with every consideration for stability and safety. No air craft shall fly over any part or section within the limits of any city in the State of California at a height lower than that enabling such aircraft to glide, in any emergency and at all times, to an open or unobstructed place on land or water, except at the beginning or end of a flight.

SEC. 11. Any person operating an air craft in this state who fails to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars, or imprisoned not more than six months or both.

U. S. air
craft
excepted.

SEC. 12. All air craft and aeronauts operating under authority of the United States government are excepted from the provisions contained in this act.

In case of
U. S. legis-
lation.

SEC. 13. It is hereby determined that until the congress of the United States passes legislation to control and direct the operation of all air craft over all of the territory and territorial waters of the United States, at which time the provisions of this act shall automatically cease and become void, all air craft operating within the geographical limits of the State of California shall be governed by the provisions hercof.

CHAPTER 784.

An act to amend an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties and forfeitures for noncompliance," approved May 10, 1915, as amended by an act approved May 11, 1917, by adding a new section thereto to be numbered three a.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby added to the act entitled "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties and forfeitures for noncompliance," approved May 10, 1915, a new section to be numbered three a and to read as follows:

Certificate
showing
names of
directors and
managers.

Sec. 3a. No state license therefor shall be issued unless there be filed with the secretary of state, at the time of the payment of the license tax imposed by this act, a certificate under the hand of the secretary of said corporation setting forth the names and addresses of each and all of the acting directors and managers of said corporation at the time of paying said tax.

It is hereby made the duty of the secretary of state to mail on or before the first day of December of each year a notice to every corporation subject to the tax imposed by this act, notifying such corporation that such certificate is required as a prerequisite to the issuance of such license, and he shall mail with said notice a printed form, to be prepared by his office, upon which such certificate shall be made. Immediately after the first Monday in February of each year the secretary of state shall mail a notice to every corporation subject to the tax imposed by this act and which has failed to file such certificate notifying such corporation of the penalty for failure to file such certificate. Within ten days after the Saturday preceding the first Monday in March of each year, the secretary of state shall, by registered mail, notify such

corporation subject to the tax imposed by this act and which has failed to file such certificate that such corporation has been recorded by him as a "suspended" or "forfeited" corporation in accordance with the provisions of this act, and that such suspension or forfeiture may be removed by complying with the provisions of this act. Mailing by the secretary of state to any corporation of any of the notices required by this section shall not be a jurisdictional prerequisite to the accrual of any forfeiture provided by this act, or to the suspension of the corporate powers of any delinquent corporation and the officers thereof hereinafter provided, nor be held to be an essential prerequisite to the imposition of such or any other penalties for delinquency.

CHAPTER 785.

An act to amend sections one and five of an act entitled "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof," approved March 23, 1907, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act entitled "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof," approved March 23, 1907, as amended, is hereby amended to read as follows:

Sec. 1. All moneys belonging to any county or municipality within the state, may be deposited by any officer of such county or municipality having the legal custody of such county or municipal funds in any state or national bank or banks in this state; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this state, or of any county, city and county, city or school district within this state, or of any irrigation, or county water works district organized under the laws of this state and which bonds are legal for investments by savings banks in this state, approved by the officer making the deposit and the district attorney for the county or the attorney for the municipality to which the deposit belongs. The market value of the bonds furnished as security, shall be at least ten per cent in excess of the amount of the deposit secured thereby; but the amount of the deposit shall in no case exceed the face

Stats. 1913,
p. 107,
amended.

Deposit of
city and
county
funds.

Interest.

Deposit
outside of
state.

value of the bonds furnished as security therefor; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balance therein deposited; *provided, further*, that the treasurer of any such county or municipality may, by and with the consent of the board of supervisors or board of trustees or other governing body of any such county or municipality and under such conditions as they may fix, deposit moneys in any bank or banks outside of this state, necessary for the payment of the principal or interest of bonds at the place or places at which the same are payable.

SEC. 2. Section five of said act approved March 23, 1907, as amended, is hereby amended to read as follows:

Sec. 5. The total amount of public moneys on deposit in any bank, inclusive of all moneys belonging to the state or to any county or municipality within this state, shall not at any one time exceed the paid up capital stock and surplus of such depository bank or banks. No officer shall have on deposit at any one time more than ten per cent of the public moneys under his control and available for deposit in any bank while there are other qualified banks requesting such deposits; *provided*, that no treasurer of a county or municipality, shall be required to deposit public moneys in any bank outside of the county or municipality owning the money.

CHAPTER 786.

An act to amend section one thousand two hundred sixty-one of the Civil Code, relating to homesteads.

[Approved June 8, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand two hundred sixty-one of the Civil Code is amended so as to read as follows:

Head of a
family.

1261. The phrase "head of a family," as used in this title, includes within its meaning:

1. The husband, when the claimant is a married person.
2. Every person who has residing on the premises with him or her, and under his or her care and maintenance, either:
 - (a) His or her minor child, or minor grandchild, or the minor child of his or her deceased wife or husband;
 - (b) A minor brother or sister, or the minor child of a deceased brother or sister;
 - (c) A father, mother, grandfather, or grandmother;
 - (d) The father, mother, grandfather, or grandmother of a deceased husband or wife;
 - (e) An unmarried sister, or any other of the relatives mentioned in this section, who have attained the age of majority, and are unable to take care of or support themselves.

CHAPTER 787.

An act to amend section eight of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 27, 1919.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section eight of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 27, 1919 is amended to read as follows:

Sec. 8. It shall be the duty of the sanitary assessor to make out, before the first Monday in July of each year, a list of all the tangible real and personal property within the district; he shall list the tangible real and personal property in any annexed district separately. Such list shall contain a general description of the property said description shall be identical with said descriptions of the same properties as contained on the county assessment list for the current year, an assessment of the value thereof, the name or names of the owner or owners, and such other matters as may be ordered by the sanitary board and such matters as shall be necessary to make such list conform to the provisions of the general laws of the State of California. The land shall be assessed separately from the improvements thereon.

When in the judgment of the assessor any property within the boundaries of a sanitary district can not be fully served or benefited by the sewer system installed, in such sanitary district he shall assess such property, according to benefits received by said property from said sewer system within said sanitary district.

Stats. 1919,
p. 945,
amended.

List of
property in
district.

Mistake
shall not
invalidate.

No mistake in the name of the owner of any of the real or personal property assessed, or any informality in the description, or in other parts of the assessment, shall invalidate the same. The sanitary assessor shall verify said list by his oath, before some officer authorized to administer oaths, and shall deposit the same with the sanitary board on the first Monday of July of each year, or as soon thereafter as is practicable. He shall have power to administer all oaths and affirmations necessary or proper in the performance of his duty as assessor, and shall receive such compensation as shall be fixed by the order of the board. He shall also perform such further duties and do such further acts as may be ordered or required by the sanitary board.

CHAPTER 788.

An act to add a new section to be numbered section nineteen x forty-eight to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establish-

ing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended. said section relating to the salaries of probation officers; said section to be numbered nineteen x forty-eight to read as follows:

Sec. 19x48. In counties of the forty-eighth class there shall be one probation officer whose salary shall be sixty dollars per month. Counties of 48th class, salary of probation officer.

Sec. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 789.

An act to amend section four thousand three hundred b of the Political Code, relating to sheriff's fees.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand three hundred b of the Political Code is hereby amended to read as follows:

4300b. For serving any process, writ, order, or paper, except as in this section provided, required by law to be served by the sheriff, fifty cents. Sheriff's fees.

For serving a writ of attachment, execution, or order for the delivery of personal property, one dollar.

For taking any bond or undertaking, fifty cents.

For serving an attachment or execution on any ship, boat, or vessel, three dollars.

For keeping and caring for property under attachment or execution such sum as the court may fix; *provided*, that no greater sum than five dollars per day shall be allowed to a keeper when necessarily employed.

For a copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio,

Sheriff's
Fees.

ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For advertising sale of property and posting notice, exclusive of cost of publication, or furnishing notice for publication, each, fifty cents.

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the court.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupant, one dollar and fifty cents.

For subpoenaing witnesses, including copy of subpoena, each twenty-five cents.

For summoning trial jury of twelve or less, two dollars; for each additional juror, ten cents.

For traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents, when such travel can be made by rail; in other cases twenty-five cents. No constructive mileage to be allowed.

For collecting money on execution, with or without levy, one per cent on the first thousand dollars or less, and one-half of one per cent on all sums over one thousand dollars.

For executing and delivering sheriff's deed, one dollar and fifty cents.

For executing and delivering certificate of sale, fifty cents.

For transporting prisoners to the county jail, the actual cost of such transportation.

For executing and delivering any other instrument, ten cents per folio.

CHAPTER 790.

An act to add two new sections to be numbered section nineteen x forty-four and nineteen x fifty-six to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909.

as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof, and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers, said section to be numbered nineteen & forty-four to read as follows:

Sec. 19x44. In counties of the forty-fourth class there shall be one probation officer whose salary shall be fifty dollars per month.

Counties of
44th class.
salary of
probation
officer.

Sec. 2. A new section is hereby added to the above entitled act to be numbered nineteen & fifty-six to read as follows:

Sec. 19x56. In counties of the fifty-sixth class there shall be one probation officer whose salary shall be \$_____ per month.

County of
56th class.
salary of
probation
officer.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 791.

An act to add a new section to be known as nine a fifty to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a fifty and to read as follows:

Counties of 50th class, salary of librarian.

SEC. 9a50. In counties of the fiftieth class the salary of the county librarian shall be one thousand eight hundred dollars per annum.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 792.

An act to add a new section to be numbered section nineteen x forty to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of

procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers, said section to be numbered nineteen \times forty to read as follows:

Sec. 19 \times 40. In counties of the fortieth class there shall be one probation officer whose salary shall be seventy dollars per month, and one assistant probation officer whose salary shall be fifty dollars per month.

Counties of
40th class,
salaries of
probation
officers.

CHAPTER 793.

An act to amend section four thousand two hundred seventy-eight of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the forty-ninth class.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-eight of the Political Code is hereby amended to read as follows:

Counties of
49th class,
salaries of
officers.

4278. In counties of the forty-ninth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to-wit:

County
clerk.

1. The county clerk, one thousand five hundred dollars per annum.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum, and a jailer at fifty dollars per month, to be paid out of the county treasury; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and, provided further*, that the sheriff shall also receive for his own use and benefit the mileage, fees and commission for all services of all papers whatsoever issued by any court of the state.

Recorder

3. The recorder, one thousand five hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Auditor.

4. The auditor, one thousand dollars per annum. In counties of this class the auditor may appoint a copyist for service in his office, which office of copyist for the county auditor is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Treasurer.

5. The treasurer, one thousand five hundred dollars per annum.

Tax
collector.

6. The tax collector, one thousand two hundred dollars per annum and ten per cent of all licenses collected by him; and a deputy at four dollars per day for not more than one hundred days in any one year, to be paid out of the county treasury.

7. The assessor, two thousand five hundred dollars per annum and two deputies at a salary of five dollars each per day for not more than one hundred days in any one year, and two deputies additional, at a salary of five dollars each per day for not more than fifty days in any one year; such deputies to be paid out of the county treasury. Assessor.

8. The district attorney, two thousand dollars per annum and necessary traveling expenses to be allowed by the board of supervisors. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer. Surveyor.

13. In counties of this class, the township officers shall receive the following compensations, to wit: In townships having a population of over four thousand, justices of the peace shall receive a monthly salary of sixty dollars per month, and constables a monthly salary of sixty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases. Township officers.

In townships having a population of more than two thousand seven hundred, and not exceeding four thousand, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of forty dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than two thousand and less than two thousand seven hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month and constables a monthly salary of thirty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of less than two thousand, justices of the peace shall receive a monthly salary of twenty dollars per month and constables a monthly salary of twenty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of

the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; *provided*, that where a constable shall be required to travel outside of his own township, in serving or executing a warrant of arrest or any other paper in a criminal case, he shall be allowed, in addition to the salary hereinbefore provided, his actual expenses incurred in serving or executing the same, to be allowed by the board of supervisors; for transporting prisoners to the county jail, the actual expenses of such transportation; *and, provided further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township, by five. In addition to the above salaries allowed said justices of the peace and constables, for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

Supervisors.

14. Each supervisor, six hundred dollars per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty cents per mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county of Calaveras by order of the board on business connected with his office; said traveling expenses not to exceed one hundred dollars per year per supervisor.

Jurors.

15. For attending as a grand juror, or a trial juror in criminal and civil cases in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror, or trial juror, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 794.

An act to amend section two thousand two hundred thirty-nine of the Political Code, relative to extending the benefits of the California School for the Deaf and Blind to persons not residents of this state.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand two hundred thirty-nine of the Political Code is hereby amended to read as follows:

2239. Such persons not residents of this state are entitled to the benefits of this school upon paying to the treasurer thereof the sum of six hundred dollars each for the school year payable one hundred fifty dollars quarterly in advance. Fee for nonresidents.

CHAPTER 795.

An act to add a new section to be numbered section nineteen and nine to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1915, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance."

nance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen *x* nine and to read as follows:

Counties of
9th class,
salaries of
probation
officers

Sec. 19.*x*9. In counties of the ninth class there shall be one probation officer whose salary shall be one hundred twenty-five dollars per month, and one assistant probation officer whose salary shall be one hundred dollars per month.

Effect of act

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 796.

An act to amend section four thousand two hundred forty-four of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifteenth class.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-four of the Political Code is hereby amended to read as follows:

Counties of
15th class,
salaries of
officers.

4244. In counties of the fifteenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

County
clerk.

1. The county clerk, two thousand eight hundred dollars per annum, and there shall be and there is hereby allowed

to the county clerk, in addition, one deputy who shall be paid the sum of one thousand eight hundred dollars per annum, and one deputy who shall be paid the sum of one thousand eight hundred dollars per annum, and one deputy who shall be paid the sum of one thousand five hundred dollars per annum and one deputy who shall be paid the sum of one thousand two hundred dollars per annum; the said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of the county officers are paid; *and provided, further*, that in each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking affidavits of registration, and claims for their service at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed; *and provided, further*, that all fees and commissions received by this office shall be turned over to the county and become the property of the county.

2. The sheriff, three thousand three hundred dollars per ^{Sheriff.} annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff, one under sheriff whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, and one deputy who shall be jailer, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; and one deputy whose salary is hereby fixed at the sum of one thousand six hundred dollars per annum; and one deputy whose salary is hereby fixed at the sum of one thousand two hundred dollars per annum; and one matron, which office is hereby created at a salary of three dollars per day; said deputies and matron to be appointed by the sheriff and their salaries to be paid by the county in equal monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

3. The recorder, two thousand eight hundred dollars per ^{Recorder.} annum; and one deputy, whose office is hereby expressly created, to be appointed by the recorder who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy at a salary of one thousand two hundred dollars per annum, payable in monthly installments; *and provided, further*, that the recorder is hereby allowed as many copyists as may be required, who shall receive as compensation the sum of four cents per folio for recording any instrument or notice. The salaries of the deputy recorder and copyists herein provided, shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All

fees and commissions received by this office shall be turned over to the county and become the property of the county.

Auditor.

4. The auditor, two thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the auditor in addition one chief deputy to be appointed by the auditor who shall be paid a salary of two thousand one hundred dollars per annum, and one deputy who shall be appointed by the auditor who shall be paid a salary of one thousand three hundred dollars per annum, and one deputy who shall be appointed by the auditor who shall be paid a salary of one thousand dollars per annum, and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed six hundred dollars in any one year; *and provided*, that the auditor shall file with the county clerk a verified statement showing in detail the amount paid, and the persons to whom said compensation is paid for such extra assistants aforesaid. The salaries herein provided shall be paid by the county in monthly installments at the same time and out of the same fund as the salaries of county officers are paid.

Treasurer.

5. The treasurer, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy, to be appointed by him, who shall receive from the county a salary of one thousand eight hundred dollars per annum, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All fees and commissions received by the treasurer shall be turned over to the county and become the property of the county.

Tax collector.

6. The tax collector, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies and assistants, whose offices are hereby created and who shall be appointed by the tax collector; one deputy at a salary of one thousand eight hundred dollars per annum; and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not, in the aggregate exceed the sum of one thousand eight hundred dollars in any one year; *and provided*, that the tax collector shall file with the county auditor a verified statement showing in detail, the amounts and the persons to whom said compensation is paid. The salaries of the said deputy and other assistants shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid.

Assessor.

7. The assessor, two thousand eight hundred dollars per annum, and his actual traveling expenses when away from his office on county business; *provided*, that in counties of this class there shall be and there is hereby allowed to the assessor the following deputies and assistants, whose offices are hereby created and who shall be appointed by the assessor; one deputy

at a salary of one thousand eight hundred dollars per annum, one stenographer at a salary of one thousand two hundred dollars per annum, one stenographer at a salary of one thousand dollars per annum, and one stenographer at a salary of nine hundred dollars per annum, and such other deputies as the assessor may require, and whose compensation in the aggregate shall not exceed the sum of eight thousand five hundred dollars in any one year; *and provided*, that the assessor shall file with the county auditor, a verified statement showing in detail, the amounts, and the persons to whom said compensation is paid. The salaries of such deputies and stenographers shall be paid by said county in monthly installments and at the same time and in the same manner and out of the same fund that county officers are paid. All fees and commissions, including poll tax, collected by this office shall be turned over to the county and become the property of the county.

8. The coroner, such fees as are now, or may hereafter be Coroner. allowed by law.

9. The public administrator, such fees as are now, or may Public administrator. hereafter be allowed by law.

10. The district attorney, two thousand eight hundred dollars per annum, and actual traveling expenses when away District attorney. from his office on county business; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney, one deputy to be appointed by the district attorney who shall be paid the salary of two thousand one hundred dollars per annum, which deputy shall devote his entire time to the duties of his office; and one deputy to reside at Blythe or vicinity, who shall be paid a salary of five hundred dollars per annum; *provided, however*, that should a second department of the superior court be established by this legislature, that, in that event, the district attorney shall not be permitted to appoint a deputy at a compensation of two thousand one hundred dollars per annum, but shall be entitled to appoint two deputies at one thousand two hundred dollars per annum each; *and provided, further*, that a stenographer be appointed by the district attorney to be paid a salary of one thousand two hundred dollars per annum. Said deputies and stenographer shall be paid out of the county treasury in monthly installments in the same manner and out of the same fund as county officers are paid.

11. The superintendent of schools, two thousand eight hundred dollars per annum; his office shall be kept open on all business days from nine a.m. to five p.m., he shall be allowed his actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one deputy to be appointed by him who shall receive from the county a salary of one thousand eight hundred dollars per annum; *and provided, further*, that in counties of this class Superintendent of schools.

the superintendent of schools shall be allowed not to exceed the sum of three hundred dollars per annum for necessary work of a stenographer. Said deputy and stenographer shall be paid by said county in monthly installments in the same manner and out of the same fund as the salaries of county officers are paid.

Surveyor.

12. The surveyor, one thousand five hundred dollars per annum, and in addition thereto, all necessary field assistants; *provided*, that in counties of this class there shall be and there hereby is allowed the surveyor, two deputies who shall be appointed by the surveyor of said county, and who shall be paid salaries as follows: One deputy at a salary of one thousand six hundred dollars per annum and one deputy at one thousand one hundred dollars per annum. The salaries of said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All necessary expenses for field assistants shall be paid by the county, and the actual cost of preparing assessor's maps, whenever a complete set of such maps is ordered prepared by the board of supervisors, said cost of preparing said assessor's maps not to exceed the sum of one thousand eight hundred dollars.

Township officers.

13. From and after the first Monday after the first day of January, one thousand nine hundred fifteen, the officers of townships in counties of this class shall be one justice of the peace and one constable, anything in the provisions of section four thousand fourteen of this code to the contrary notwithstanding.

Justice of the peace, township having population of 12,000 or more.

14. The justice of the peace in townships having a city or a portion thereof, situated therein and having a population of twelve thousand or more, one thousand five hundred dollars per annum, payable in monthly installments, which shall be in full for all services rendered by him in both civil and criminal cases tried before him, and he shall each month pay to the county treasurer all fines, commissions and fees collected by him as such justice of the peace, including fees for celebrating marriages and returning certificates thereof to the county recorder; *and provided, further*, that the board of supervisors of counties of the thirteenth class shall furnish each justice of the peace in townships having a population of twelve thousand or more, with a suitable office in which to hold court and shall also furnish the necessary furniture, books, blanks and supplies for said court; *and provided, further*, that in townships having a population of twelve thousand or more there shall be and there is hereby allowed to the justice of the peace, one clerk which office is hereby created who shall be appointed by the justice of the peace of said township, subject to the approval of the board of supervisors of the county and whose salary is hereby fixed at the sum of nine hundred dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the

Clerk.

peace is paid. Said clerk shall take the oath of office prescribed for county officers and give a bond in the sum of one thousand dollars conditioned for the faithful discharge of the duties of his office which bond shall be approved and filed in the same manner as are bonds of county officers. He shall keep a record of the proceedings of said court and issue all processes ordered by the justice of said court and receive and pay into the county treasury all fines, forfeitures and fees paid into said court. He shall render each month to the county auditor and the county treasurer, an exact account under oath of all fines, forfeitures and fees paid and collected and he shall prepare bonds, and justified bail when the amount has been fixed by the court or justice and may administer and certify oaths and shall remain in the court room of said court during court hours and during such other reasonable times as may be necessary for the proper performance of his duty. He shall have the custody of all records and papers of said court. In townships having a population of six thousand and less than twelve thousand the justice of the peace therein shall receive seventy-five dollars per month; in townships having a population of four thousand and less than six thousand, thirty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, twenty-five dollars per month; in townships having a population of one thousand and less than one thousand five hundred, fifteen dollars per month, and in all other townships in said county, ten dollars per month; *provided, however*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month. Each justice of the peace must pay into the county treasury once each month all fines collected by him in criminal cases, and the auditor shall withhold the warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. All provisions of this paragraph to apply to present incumbents.

Justices of
the peace
in other
townships.

15. Constables in townships having one or more cities, or portions thereof situated therein, and having a population of twelve thousand or more, one thousand five hundred dollars per annum, payable in monthly installments, and their actual traveling expenses when engaged in official business outside of such townships, which shall be in full for all services rendered by them in all civil and criminal business. They shall charge and collect such fees as are allowed by law, and they shall each month pay into the county treasury all fees, forfeitures, fines, and commissions collected by them in the discharge of their duties as such constables. In townships having a population of six thousand and less than twelve thousand the constable shall receive fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, twenty

Constables.

dollars per month; and in all other townships in said county ten dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month; *provided, further*, that in addition to the salaries herein allowed, each constable except constables in townships having a city or portion thereof situated therein, and having a population of twelve thousand or more shall receive for their own use in civil cases the fees allowed by law, and shall be paid out of the treasury of the county his actual traveling expenses outside of his own township, but within his county, for the service of the warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile actually traveled outside of his county both going and returning from the place of arrest or other service, five cents per mile; and for transporting prisoners to the county jail, the actual cost of transportation.

Population
of
townships.

16. The population of several judicial townships for the purpose of fixing compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, every odd numbered year.

Supervisors.

17. Each supervisor one thousand five hundred dollars per annum, payable in monthly installments, and fifteen cents per mile one way for traveling expenses from his residence to the place of meeting of the board at the county seat, for not more than four board meetings per month, and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum.

Additional
help.

19. Whenever the work of an office has not been brought down to date by the retiring officer and the present incumbent shall present to the board of supervisors a signed sworn statement setting forth explicitly, and in detail the work so lacking and which was in that condition when he was inducted into office, and provided the county auditor shall also certify to the public necessity of the work, the board of supervisors shall investigate such condition and may, if they, by resolution, certify that the public necessity demands it before the new incumbent can make up such work, employ additional help and provide for compensation for such time as such work consumes, at a rate not to exceed eighty dollars per month for each person so employed.

• Additional
help for
organizing
districts.

20. Whenever the board of supervisors shall by resolution certify that on account of the formation of storm water, irrigation, drainage, road or other special districts, the formation of which is provided by law, and the work of which imposes temporary and excessive clerical burdens upon any county office, or offices, and that the public convenience and necessity requires prompt dispatch of business not possible by the normal office help, they may appoint such additional help

as they deem necessary until the said extra work is completed, and they shall fix the compensation therefor at a rate not to exceed eighty dollars per month for each person so employed, and they may designate that such extra help shall work part of the time in one office and part of the time in another office. This shall not be construed to provide for permanent positions in any office to care for work which the law now may impose on such county office, but shall only be exercised as a temporary measure to expedite the public business in a reasonable and businesslike manner for the purposes and under the conditions named.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 797.

An act to add a new section to be known as nine a ten to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a ten, and to read as follows:

Sec. 9a10. In counties of the tenth class the salary of the county librarian shall be one thousand eight hundred dollars per annum. Counties of 10th class, salary of librarian.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 798.

An act to add a new section to be numbered section nineteen xten to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Juvenile
court
law.

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen xten and to read as follows:

Sec. 19:10. In counties of the tenth class there shall be one probation officer whose salary shall be one hundred fifty dollars per month, and also an assistant probation officer whose salary shall be seventy-five dollars per month. Counties of 10th class, salaries of probation officers.

Sec. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 799.

An act to amend section four thousand two hundred thirty-nine of the Political Code, relating to the compensation of officers of counties of the tenth class.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred thirty-nine of the Political Code is hereby amended to read as follows:

4239. In counties of the tenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Counties of 10th class, salaries of officers.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy for each department of the superior court in each of said counties, which offices are hereby created, as provided by section four thousand two hundred ninety of the Political Code of the State of California. Said deputies shall be appointed by said county clerk, shall be court room clerks of said department, and shall each receive a salary of one thousand eight hundred dollars per annum, which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the county clerk is paid. There shall be also and is hereby allowed to said county clerk a chief deputy and one office deputy and one copyist, which offices are hereby created. Said deputies shall be appointed by said county clerk, the chief deputy to receive a salary of one hundred seventy-five dollars per month, and the office deputy to receive a salary of one hundred twenty-five dollars per month, and the copyist to receive a salary of ninety dollars per month, which salaries shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid. In each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional County clerk.

deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking the affidavits of registration outside of the office of said county clerk, and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. In each year in which a general election is held the county clerk may appoint assistant clerks, which offices are hereby created and whose compensation shall not exceed the sum of one thousand eight hundred dollars in the aggregate for all assistants so employed. All fees received by this office shall be turned over to the county and become the property of the county. All the provisions in this paragraph, except as to increase in the salary of the county clerk, are to apply to the incumbents.

Sheriff.

2. The sheriff, three thousand four hundred dollars per annum and such mileage as is now allowed by law, and also all fees for service of papers in actions arising outside of this county: *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff seven deputies, whose offices are hereby created, and who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy sheriff at a salary of two thousand dollars per annum; one deputy sheriff, to act as a finger print expert, at a salary of one thousand five hundred dollars per annum; one deputy sheriff, to act as jailer, at a salary of one thousand eight hundred dollars per annum; one deputy sheriff, to act as assistant jailer, at a salary of one thousand five hundred dollars per annum; one deputy sheriff at a salary of one thousand five hundred dollars per annum; two of said deputies shall act as bailiffs of the superior court of said county, at a salary of one thousand two hundred dollars per annum each, one for each department thereof, as provided by section four thousand two hundred ninety of the Political Code of the State of California; and there shall be and hereby is allowed to said sheriff an additional deputy, which office is hereby created, who shall be an office deputy, at a salary of one thousand five hundred dollars per year, and who shall be appointed by the sheriff. The salaries of all of said deputies shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. All fees and commissions except as hereinbefore in this paragraph mentioned shall be turned over to the county and become the property of the county. All the provisions of this paragraph, except as to the increase in the salary of the sheriff, shall apply to the incumbents.

Recorder.

3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder three deputies who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of one thousand eight hundred dollars per annum, one deputy at one thousand five hundred dollars per annum, and one deputy at one thou-

sand two hundred dollars per annum. The salaries of said deputies shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same funds as the salaries of the county officers are paid. The recorder may also appoint such number of copyists as may be required, who shall be paid by the county at the rate of five cents per folio. The compensation of such copyists shall be paid monthly upon claims duly presented to and allowed by the board of supervisors as other claims are presented and allowed. All fees and commissions received by this office shall be turned over to the county and become the property of the county. Except as to the salary of the recorder, the changes effected by this subdivision shall apply to the incumbents.

4. The auditor, three thousand dollars per annum. In Auditor. counties of this class the auditor shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum, and one deputy at a salary of one thousand two hundred dollars per annum. The salaries of said deputies shall be paid by the county at the same time and in the same manner as salaries of county officers are paid. The auditor may appoint assistant auditors, whose compensations shall not exceed two thousand dollars per annum in the aggregate for all assistants so employed to be paid monthly by the county upon claims duly presented to and allowed by the board of supervisors. The provisions of this subdivision as to deputies and assistants do not effect an increase in the compensation of the auditor but relate merely to the salaries of deputies paid by the county, and shall apply to incumbents.

5. The treasurer, two thousand eight hundred dollars per Treasurer. annum. In counties of this class there shall be and there hereby is allowed to the treasurer two deputies, which offices are hereby created, who shall be appointed by the treasurer and receive the following salaries: One chief deputy, one thousand eight hundred dollars per annum; one deputy, one thousand five hundred dollars per annum. The salaries of said deputies herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid. The provisions of this paragraph relating to deputies shall apply to the incumbents.

6. The tax collector, three thousand dollars per annum. In Tax collector. counties of this class there shall be and there is hereby allowed to the tax collector the following deputies, whose offices are hereby created and who shall be appointed by the tax collector: One chief deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand two hundred dollars per annum, and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of five thousand dollars in any one year; *and provided, further*,

that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

Assessor.

7. The assessor, three thousand nine hundred dollars per annum. In counties of this class there shall be allowed to the assessor the following deputies, whose offices are hereby created, and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand one hundred dollars per annum; one office deputy at a salary of one thousand five hundred dollars per annum, and such field deputies as the assessor may require, and whose compensation in the aggregate shall not exceed eight thousand five hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid. The assessor shall also be allowed his necessary travelling expenses, not exceeding in any one year the sum of three hundred dollars, from and after the end of the existing term of the incumbent. The salaries of such deputies shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as county officers are paid. The provisions of this paragraph relating to deputies shall apply to the incumbents. All fees and commissions, including commissions on poll taxes, collected by this office shall be turned over to the county and become the property of the county.

District
attorney.

8. The district attorney, three thousand six hundred dollars per annum. In counties of this class there shall be and there is hereby allowed to the district attorney, two deputies, to be appointed by the district attorney, and who shall be regularly admitted to practice before the courts of the State of California. Each of said deputies shall receive a salary of two thousand four hundred dollars per annum, which salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the said district attorney is paid. There shall be and there is hereby allowed to the district attorney a stenographer to be appointed by the district attorney, at a salary of one thousand five hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney. The provisions of this paragraph relating to the deputies and the stenographer shall apply to the incumbents.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, two thousand eight hundred dollars per annum and actual traveling expenses when visiting the schools of the county. In counties of this class there shall be and there is hereby allowed to the superintendent of schools one office deputy, which office is hereby created, at a salary of one thousand five hundred dollars per annum, and who shall be appointed by the said superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. The provisions of this paragraph relating to the deputy shall apply to the incumbent. Superintendent of schools.

12. The surveyor, eight dollars per day when actually employed by the county. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them as such officers: (1) In townships having a population of twelve thousand or over, one hundred twenty-five dollars; (2) in townships having a population of nine thousand or over up to twelve thousand, one hundred dollars; (3) in townships having a population of six thousand or over up to nine thousand, seventy-five dollars; (4) in townships having a population of three thousand or over up to six thousand, twenty-five dollars; (5) in townships having a population less than three thousand, ten dollars. Justices of the peace.

14. Constables shall receive the following monthly salaries, to be paid each month in the same manner and out of the same fund as county officers are paid; which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of twelve thousand or over, one hundred twenty-five dollars; (2) in townships having a population of nine thousand or over up to twelve thousand, one hundred dollars; (3) in townships having a population of six thousand or over up to nine thousand, seventy-five dollars; (4) in townships having a population of three thousand or over up to six thousand, twenty-five dollars; (5) in townships having a population less than three thousand, ten dollars; *provided, further,* that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the court or to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. Constables.

15. Each supervisor, one thousand five hundred dollars per annum, payable in monthly installments, and fifteen cents per mile one way for traveling expenses from his residence to the place of meeting of the board at the county Supervisors.

seat, for not more than four board meetings per month, and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum.

Live stock inspector.

16. A live stock inspector, three hundred dollars per annum, which shall be in full payment for all services rendered by said inspector.

Population of townships.

17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be determined by the United States census taken in 1920; *provided*, that the board of supervisors of said county may each four years thereafter cause a census of any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables.

Jurors.

18. In counties of this class grand and trial jurors in superior courts shall receive for each day's attendance, per day the sum of three dollars. In justices' courts in civil cases jurors shall receive for each day's attendance per day the sum of two dollars. In justices' and recorders' courts in criminal cases jurors shall receive for each day's attendance per day the sum of one dollar and fifty cents. And all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during any session of the court where such jurors serve: *provided*, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by the municipality in which such court is or may be established.

Constitutionality.

19. If any paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The legislature hereby declares that it would have passed each section and each paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses or phrases is declared unconstitutional.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 800.

An act to add a new section to be numbered section nineteen & twenty-nine to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen & twenty-nine and to read as follows:

Sec. 19.29. In counties of the twenty-ninth class there shall be one probation officer whose salary shall be one thousand dollars per annum.

Counties of
29th class,
salary of
probation
officer.

CHAPTER 801.

An act to add a new section to be numbered section nineteen & fifteen to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Juvenile
court
law.

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen & fifteen and to read as follows:

Sec. 19z15. In counties of the fifteenth class there shall be one probation officer whose salary shall be two hundred dollars per month, also there shall be one assistant probation officer whose salary shall be one hundred dollars per month. Counties of 15th class, salaries of probation officers.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 802.

An act to amend section four thousand two hundred thirty-seven of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighth class.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred thirty-seven of the Political Code is hereby amended to read as follows:

4237. In counties of the eighth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of 8th class, salaries of officers.

1. The county clerk, three thousand six hundred dollars per annum. County clerk.

2. The sheriff, four thousand five hundred dollars per annum. The sheriff shall also be allowed his actual, reasonable and necessary expenses in all civil and criminal cases. Sheriff.

3. The recorder, three thousand six hundred dollars per annum. Recorder.

4. The auditor, three thousand six hundred dollars per annum. Auditor.

5. The treasurer, two thousand six hundred dollars per annum. Treasurer.

6. The tax collector, one thousand nine hundred dollars per annum. The tax collector shall pay all his own traveling expenses. Tax collector.

7. The assessor, four thousand dollars per annum. The assessor shall receive his actual, reasonable and necessary expenses while engaged in his official duties in the field. Assessor.

8. The district attorney, four thousand dollars per annum; District attorney. provided, that in counties of this class the district attorney in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in

which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases, and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses incurred by him shall be a legal charge against the county.

Coroner.

9. The coroner such fees as are now or may be hereafter allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools, three thousand three hundred dollars per annum; *provided*, that in counties of this class the superintendent of schools in addition to the salary herein fixed shall be allowed ten dollars per school district for traveling expenses where he shall have visited each school of said district in the county during any one calendar year.

Justices of the peace.

12. Justices of the peace shall receive the following salaries for all services rendered by them, payable in the same manner as county officers are paid, viz: In townships having a population of twenty thousand or more, two hundred fifty dollars per month; in townships having a population of not less than five thousand nor more than twenty thousand, one hundred dollars per month; in townships having a population of not less than three thousand nor more than five thousand, sixty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month; *provided*, that for the purposes of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one-half. The compensation herein fixed for justices of the peace shall be in full for all services rendered and all fees collected by them shall be paid into the county treasury as provided by law. In townships having a population of twenty thousand or more, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of three thousand dollars, with at least two sureties to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and he shall receive an annual salary of one thousand five hundred dollars. The justice's clerk shall keep a record of the proceedings of the said court, and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same, to the authorities legally entitled to receive the same, at the time and in the manner provided

by law. He shall prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court. The clerk shall be in attendance on the court in the courtroom of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a. m. until five o'clock p. m. and during such reasonable times thereafter as may necessary for the proper performance of his duties.

13. Constables shall receive the following salaries for all ^{Constables.} services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand and not more than fourteen thousand, seventy-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases. Such mileage in criminal cases is intended to cover the ordinary expenses of constables, and other than such mileage, they shall be allowed the following expenses and no other, to wit: In criminal, insane, inebriate and drug habitue cases, the actual, reasonable and necessary cost of transporting prisoners to and from the county jail; of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest is made or not; of transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court, or to the insane asylum.

14. Each member of the board of supervisors, one thousand ^{Supervisors.} two hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; *provided*, that not more than one mileage at any one term of the board shall be allowed.

Bonds of
officers.

15. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, and superintendent of schools, justice of the peace, constable, and clerk of the justice of the peace shall be executed with a reliable bond and security company, and the cost of said bond when duly approved, shall be a charge against the county, and payable out of the general fund.

Deputies.
county
clerk.

16. The county clerk shall have one chief deputy at a salary of two thousand four hundred dollars per annum; three courtroom deputies at a salary of one thousand eight hundred dollars per annum each; three office deputies at a salary of one thousand five hundred dollars per annum each; one judgment clerk at a salary of one thousand five hundred dollars per annum; one deputy who shall act as clerk to the board of supervisors at a salary of one thousand eight hundred dollars per annum; one deputy who shall act as assistant clerk to the board of supervisors at a salary of one thousand five hundred dollars per annum; and a deputy or deputies not to exceed fifteen for the purpose of registering electors or other emergencies, who shall be paid not to exceed four dollars per diem each; also a deputy or deputies to register electors outside of the county seat, who shall receive a compensation of eight cents for each elector registered, and shall receive no other compensation or expenses.

Recorder.

The county recorder one first assistant at a salary of two thousand one hundred dollars per annum; one second assistant at a salary of one thousand eight hundred dollars per annum; two comparing clerks and one index clerk at a salary of one thousand five hundred dollars per annum each; four deputies at a salary of one thousand five hundred dollars per annum each. The recorder may hire necessary assistants in cases of emergency and at a salary not to exceed five dollars per diem each, but the aggregate pay of such assistants for such work shall not exceed two thousand four hundred dollars in any one calendar year.

Treasurer.

The treasurer, one chief deputy at a salary of two thousand seven hundred dollars per annum; and one deputy at a salary of two thousand one hundred dollars per annum; and one deputy at a salary of one thousand nine hundred twenty dollars per annum; and one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy to serve not longer than nine months in any one calendar year at a salary of one hundred fifty dollars per month; and one deputy who shall be employed in the capacity as cashier and serve for a period of not to exceed four months in any one calendar year and shall receive therefor the sum of one hundred fifty dollars per month; and one deputy who shall be employed in the capacity of draftsman and who shall serve not to exceed four months in any one calendar year and shall receive therefor the sum of one hundred fifty dollars per month; and such emergency deputy or deputies as shall be required and who shall receive for his or their services a sum not to exceed five

dollars per diem each; *provided, however*, that the aggregate pay of such emergency deputy or deputies shall not exceed in any one calendar year the sum of two thousand five hundred dollars.

The county auditor, one chief deputy at a salary of two thousand one hundred dollars per annum; one second deputy at a salary of one thousand six hundred twenty dollars per annum; one third deputy at a salary of one thousand five hundred dollars per annum. The auditor may, hire necessary assistants for the purpose of extending taxes and in cases of emergency, at a salary not to exceed five dollars per diem each; *provided*, that the aggregate salaries of such assistants shall not exceed the sum of one thousand dollars in any one calendar year. Auditor.

The district attorney, an assistant district attorney at a salary of three thousand dollars per annum; two deputy district attorneys at a salary of two thousand one hundred dollars per annum each; one shorthand reporter at a salary of two thousand four hundred dollars per annum; and one secretary at a salary of one thousand five hundred dollars per annum. District attorney.

The superintendent of schools, one deputy at a salary of one thousand eight hundred dollars per annum; and an emergency deputy or deputies who shall be paid not to exceed five dollars per diem each; *provided*, that the aggregate pay of said deputy or deputies shall not exceed four hundred dollars in any one calendar year. Superintendent of schools.

The sheriff, an undersheriff who shall receive a salary of two thousand four hundred dollars per annum; a chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; a stenographer and clerk who shall receive a salary of one thousand six hundred eighty dollars per annum; two deputy sheriffs for service in the field who shall receive a salary of one thousand six hundred eighty dollars per annum each; one deputy sheriff who shall be employed as superintendent of identification who shall receive a salary of one thousand nine hundred twenty dollars per annum; three bailiffs or courtroom deputies who shall receive a salary of one thousand six hundred twenty dollars per annum each; two jailers who shall receive a salary of one thousand six hundred twenty dollars per annum each; one motor-boat deputy who shall receive a salary of one thousand six hundred eighty dollars per annum; one deputy sheriff for serving papers and for emergencies who shall receive a salary of one thousand five hundred dollars per annum; one deputy sheriff for emergencies and as a guard for the working prisoners who shall receive a salary of one thousand five hundred dollars per annum, and two deputy sheriffs who shall be employed as traffic officers, who shall receive one hundred forty-five dollars per month each and who shall each furnish, operate and maintain a suitable motorcycle or automobile for the use of which he shall receive such reasonable sums as may be authorized Sheriff.

and allowed by the board of supervisors for mileage actually traveled in such vehicle in the performance of his duties; and *provided, however*, that amounts allowed for use of any such vehicle shall not exceed fifteen cents per mile, and that he shall keep and file with the board of supervisors a daily report of the particular road or roads and the exact portion thereof patrolled by him, including the names of all parties arrested by him and the specific nature of any violation of the law and the approximate hour of arrests made.

Coroner. The coroner, one deputy who shall be paid by the coroner out of his fees.

Assessor. The county assessor shall have one chief deputy at a salary of two thousand four hundred dollars per annum; one draftsman at a salary of two thousand four hundred dollars per annum; one chief office deputy at a salary of two thousand one hundred dollars per annum; one office deputy at a salary of one thousand eight hundred dollars per annum; one stenographer and copyist at a salary of one thousand two hundred dollars per annum; one utility and valuation deputy for inside work who shall serve not to exceed one hundred fifty days in any one calendar year and for which service he shall be paid at the rate of five dollars per diem; three deputies to be employed in preparing assessment-rolls who shall serve not to exceed one hundred thirty days each in any one calendar year, and be paid therefor at the rate of five dollars per diem each; one deputy to be employed in assessing automobiles and who shall serve not to exceed eighty days in any one calendar year and be paid therefor at the rate of five dollars per diem; one utility and valuation clerk for outside work who shall serve not to exceed eighty days in any one calendar year and be paid therefor at the rate of seven dollars per diem; *provided, however*, that such deputy shall furnish at his own expense necessary automobile transportation while so employed; three field deputies for service inside the city of Stockton who shall serve not to exceed one hundred days each in any one calendar year and be paid therefor five dollars per diem each; twelve field deputies to be employed in the county outside the city of Stockton and who shall serve not to exceed eighty days each in any one calendar year and be paid therefor at the rate of seven dollars per diem each; *provided*, that such deputies shall each furnish at his own expense necessary automobile transportation while so employed, and an emergency deputy or deputies, at a salary of four dollars per diem each, which said emergency deputy or deputies shall not receive more than four hundred dollars in the aggregate in any one calendar year.

All the deputies, assistants, employees, emergency help and clerks hereinbefore mentioned shall perform in addition to the duties herein enumerated such other duties as their respective principals shall require, and they shall be paid out of the salary fund at the same time and in the same manner

as the principals are paid; *provided, however*, that allowances for use of motor vehicles by deputy sheriffs employed as traffic officers shall be made on claims against the county and paid by the board of supervisors as other claims are paid.

17. The salaries, fees, mileage and commissions herein provided shall be in full for all official services performed. No county, district or township officer shall receive from the county any salary, compensation, fees, commission or mileage, except as in this section provided. All compensation, commissions, fees and mileage now or hereafter provided by law to be paid to any county, district or township officer for any official service, except as in this section otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is especially designated by law. All compensations, fees, commissions, and mileage, except as in this section otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof, or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. Until such county, district or township officer shall pay into the county treasury all compensation, commissions, fees and mileage as herein required to be paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

Compensation
mileage

Other
compensation
to be paid to
general
fund.

18. For attending as a grand juror or as a juror in the superior court, for each day's attendance per day, three dollars. For each mile actually traveled in attending court as a juror in going, only, per mile, twenty-five cents.

Jurors.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

Effect of
act.

CHAPTER 803.

An act to add a new section to be numbered section nineteen x thirty-eight to an act entitled "An act to know as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for

Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Juvenile
court
law.

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x thirty-eight and to read as follows:

Counties of
38th class,
salary of
probation
officer.

Sec. 19x38. In counties of the thirty-eighth class there shall be one probation officer whose salary shall be one hundred fifty dollars per month. Said probation officer shall be ex officio the school attendance officer.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 804.

An act to add a new section to be known as nine a four to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, to be numbered section nine a four, and to read as follows:

Sec. 9a4. In counties of the fourth class the salary of the county librarian shall be four thousand dollars per annum.

Counties of
4th class,
salary of
librarian.

CHAPTER 805.

An act to add a new section to be numbered section nineteen x four to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or

parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Juvenile
court
law.

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x four and to read as follows:

Counties of
4th class,
salaries of
probation
officers.

Sec. 19x4. In counties of the fourth class there shall be one probation officer whose salary shall be three thousand dollars per annum, there shall be one assistant probation officer whose salary shall be two hundred dollars per month, two assistant probation officers at a salary of one hundred fifty dollars per month and one assistant probation officer who shall be a competent stenographer at a salary of one hundred twenty-five dollars per month and one clerk with a salary of one hundred dollars per month.

CHAPTER 806.

An act to add a new section to be numbered section nineteen x forty-six to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers

and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x forty-six and to read as follows:

Sec. 19x46. In counties of the forty-sixth class there shall be one probation officer whose salary shall be fifty dollars per month.

Juvenile
court
law.

Counties of
46th class,
salary of
probation
officer.

CHAPTER 807.

An act to add a new section to be numbered section nineteen & thirty-one to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Juvenile
court
law.

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen & thirty-one, and to read as follows:

Sec. 19.31. In counties of the thirty-first class there shall be one probation officer whose salary shall be one hundred fifty dollars per month, also one assistant probation officer whose salary shall be seventy-five dollars per month.

Counties of
31st class,
salaries of
probation
officers.

Sec. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

Effect of
act.

CHAPTER 808.

An act to add a new section to be numbered section nineteen and twelve to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry,

Juvenile
court
law.

the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x twelve and to read as follows:

Counties of
12th class,
salaries of
probation
officers.

Sec. 19x12. In counties of the twelfth class there shall be one probation officer whose salary shall be one hundred fifty dollars per month, and also an assistant probation officer whose salary shall be one hundred dollars per month.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 809.

An act to amend section four thousand two hundred forty-one of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twelfth class.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-one of the Political Code is hereby amended to read as follows:

Counties of
12th class,
salaries of
officers.

4241. In counties of the twelfth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

County
clerk.

1. The county clerk three thousand six hundred dollars per annum, and twelve and one-half cents for each elector registered, also such compensation as is now or may hereafter be allowed by law; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk, which said positions are hereby created, the following deputies, who shall be appointed by the county clerk of the said county and

shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum, one deputy at a salary of two thousand one hundred dollars per annum, one deputy at a salary of one thousand nine hundred fifty dollars per annum, three deputies at a salary of one thousand eight hundred dollars each per annum, one deputy at a salary of one thousand six hundred fifty dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum; *provided*, that in such years as the compilation of a great register of voters is required by law, to be made, the county clerk in counties of this class, shall be, and he is hereby allowed the following additional deputies: As many deputies as are necessary, in his discretion, from January first to November first, at one hundred twenty-five dollars, each, per month, and whose compensation shall not exceed two thousand five hundred dollars in the aggregate for all deputies so employed; *provided, further*, the county clerk may appoint such number of registration deputies in any precinct as he may deem necessary for the convenient registration of voters in their respective precincts and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of eight cents for each elector registered by each of said deputies, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county the duly verified claim therefor approved by said county clerk. The deputies herein provided for shall be paid by such county at the same time and in the same manner and out of the same fund that the salary of the county clerk is paid. In counties of this class the county clerk shall pay into the county treasury all fees received by him in his official capacity. It is hereby found as a fact and so declared that the salaries provided for in this section does not work an increase in the compensation of the county clerk.

2. The sheriff, four thousand eight hundred dollars per annum. The sheriff shall also receive for his own use the fees for mileage which are now, or which may hereafter be allowed by law, and the fees and commission for the service of all papers whatsoever issued by any court of this state, outside of this county. The sheriff shall also receive the necessary expenses incurred in the pursuit of criminals; *provided*, that no constructive mileage shall be allowed. In counties of this class there shall be, and there is hereby allowed to the sheriff, which said positions are hereby created, the following deputies, who shall be appointed by the sheriff of such county, and shall be paid salaries as follows: One under sheriff at a salary of two thousand two hundred fifty dollars per annum, four deputies at a salary of one thousand nine hundred fifty dollars per annum and six deputies, one of whom shall be a woman, at a salary of one thousand eight hundred dollars each per annum. The deputies herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund

that the salary of the sheriff is paid. In counties of this class the sheriff shall make no charge for the boarding of prisoners over and above the actual cost of materials. The provisions herein contained shall apply to present incumbents.

Recorder.

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the recorder, which said positions are hereby created, the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries as follows: One chief deputy recorder at a salary of one thousand nine hundred fifty dollars per annum, two deputies at a salary of one thousand five hundred dollars per annum, two copyists at a salary of one thousand two hundred dollars per annum; *provided*, that said copyists being eligible, may also be appointed deputy recorders without further compensation. The recorder may also employ such additional copyists, not to exceed three, as may be required to copy instruments filed for record within a reasonable time after the same are filed for record and which the other copyists herein provided, are unable to copy within such time. The compensation of such additional copyists shall be paid out of the general fund of said county at the rate of ninety dollars a month, and proper claims therefor shall be presented to and allowed by the board of supervisors. The deputies and copyists herein provided for other than additional copyists, shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the recorder is paid; *provided*, that in counties of this class the recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatsoever source they may be derived. The provisions herein contained shall apply to present incumbents.

Auditor.

4. The auditor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the auditor, which said positions are hereby created, the following deputies and assistants who shall be appointed by the auditor of such county, and shall be paid salaries as follows: One chief deputy auditor at a salary of two thousand four hundred dollars per annum, one deputy at a salary of two thousand one hundred dollars per annum, two deputy auditors at a salary of one thousand nine hundred fifty dollars each per annum, one deputy at a salary of one thousand six hundred fifty dollars per annum, one deputy who shall be a stenographer at a salary of one thousand five hundred dollars per annum; *provided, further*, that the auditor may appoint ten additional assistants for a period of employment not to exceed two months in each year, to be paid four dollars and fifty cents each per diem. The deputies and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. In counties of this class the auditor

shall pay into the county treasury all fees received by him in his official capacity.

5. The treasurer four thousand dollars per annum; *pro-* ^{Treasurer.}
vided, that in counties of this class there shall be and there is hereby allowed to the treasurer, which said position is hereby created, one deputy, who shall be appointed by the treasurer of such county, and shall be paid a salary of two thousand one hundred dollars per annum. The deputy herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the treasurer is paid. In counties of this class the treasurer shall pay into the county treasury all fees received by him in his official capacity.

6. The tax and license collector, four thousand dollars per <sup>Tax and
license
collector</sup>
annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax and license collector, which said positions are hereby created, the following deputies and assistants, who shall be appointed by the tax and license collector of said county, and shall be paid salaries as follows: One chief deputy at a salary of one thousand nine hundred fifty dollars per annum, one deputy at a salary of one thousand six hundred fifty dollars per annum, three assistants for a period of employment not exceeding eight months each per year to be paid four dollars and fifty cents per diem each and three assistants for a period of employment not exceeding five months each per year to be paid four dollars and fifty cents per diem each, and four additional copyists for a period of employment not exceeding four months each per year to be paid four dollars and fifty cents per diem each; such additional assistants, not to exceed seven, for a period of time not to exceed two months, said additional assistants to be paid out of the general fund of the county at the rate of four dollars and fifty cents per diem each. The deputies and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the tax and license collector is paid. The provisions herein contained shall apply to present incumbents.

7. The assessor, five thousand dollars per annum. In coun- ^{Assessor.}
ties of this class there shall be and there is hereby allowed to the assessor the following deputies and employees, who shall be appointed by the assessor and who shall be paid salaries as follows: One chief deputy assessor who shall receive a salary of two thousand two hundred fifty dollars per annum; one deputy assessor who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall be a stenographer at one thousand five hundred dollars per annum; six deputies who shall be employed not to exceed one hundred twenty days each year whose per diem shall be eight dollars each when actually employed; six deputies who shall be employed not to exceed one hundred twenty days in each

year whose per diem shall be seven dollars each when actually employed; four deputies who shall be employed not to exceed one hundred twenty days in each year whose per diem shall be six dollars each when actually employed; ten deputies who shall be employed not to exceed one hundred twenty days in each year whose per diem shall be four dollars and fifty cents each when actually employed; such additional deputies, whose aggregate compensation shall not exceed two thousand four hundred dollars in any fiscal year, as may be necessary to carry on the work of his office; *provided*, that the above salaries and compensations shall be in full payment for all services rendered by him as such assessor and that no commission for the collection of state taxes or infirmity poll taxes for road taxes or personal property taxes shall be retained by him, nor shall the assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred one of the Political Code of the State of California, but that all fees and commissions shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as the salary of the county assessor is paid; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. The provisions herein contained shall apply to present incumbents.

District
attorney.

8. The district attorney four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the district attorney, which said positions are hereby created, the following: One assistant district attorney at a salary of two thousand seven hundred dollars per annum, two deputy district attorneys at a salary of two thousand four hundred dollars each per annum, one detective at a salary of two thousand two hundred fifty dollars per annum, said detective to also be allowed his necessary traveling and other expenses in the performance of the duties of his office, and two stenographers at a salary of one thousand five hundred dollars each per annum. The assistant, deputies, detective and stenographers herein provided for shall be appointed by, and hold office at the pleasure of, the district attorney, and shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the district attorney is paid; *provided*, that the necessary traveling expenses of the detective shall constitute a county charge; *and provided, also*, that the assistant district attorney herein provided for shall possess the powers of, and may perform the duties attached by law to the office of his principal; *provided, further*, that no employee of the district attorney's office shall accept any other compensation by reason of services rendered in any action or proceeding wherein fees or per diem would constitute a charge against the county.

The provisions herein contained shall apply to present incumbents.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

9½. The public administrator such fees as are now or may hereafter be allowed by law. Public administrator.

10. The superintendent of schools, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, which said positions are hereby created, the following deputies, who shall be appointed by the superintendent of schools of such county, and shall be paid salaries as follows: One field deputy at a salary of two thousand two hundred fifty dollars per annum, and two deputies at a salary of one thousand eight hundred dollars per annum each. The deputies herein provided shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the superintendent of schools is paid. In counties of this class the superintendent of schools shall receive his actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools. The provisions herein contained shall apply to present incumbents. Superintendent of schools.

11. The surveyor, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the surveyor, which positions are hereby created, the following deputies, who shall be appointed by the surveyor of such county: One chief deputy surveyor at a salary of two thousand four hundred dollars per annum, and one deputy at a salary of one thousand eight hundred dollars per annum. The deputies herein provided for shall be paid by said county at the time and in the same manner and out of the same fund as the salary of the surveyor is paid; *provided further*, that after the expiration of the term of the present incumbent the surveyor and his deputies shall during the time they are holding office be and they are hereby prohibited from engaging in private employment at surveying. Surveyor.

12. Supervisors, three thousand dollars per annum each, and actual and necessary traveling expenses in the performance of the duties of their office; *provided*, that in counties of this class the board of supervisors shall have power to provide for the maintenance and support of minor children under eighteen years of age who are orphans or half orphans, abandoned or destitute minors; to lease, construct, maintain, appropriate buildings therefor; to provide suitable salaries for the necessary teachers and superintendents thereof. In the event that any regularly organized corporation whose sole purpose is the care, welfare and support of orphans, half orphans, abandoned or destitute minors under eighteen years of age, Supervisors.

has already a building, structure, grounds and officers and have been in the business of caring for such destitute minors for eight years prior to the passage of this act, then the board of supervisors of the county are authorized to pay to the directors of the said corporation so caring for said destitute minors a sum not to exceed the sum of fifteen dollars per month for each minor so cared for.

Every institution receiving aid as above provided for must keep the following records which at all times must be open for inspection to the board of supervisors of such county, or to any person appointed by them to examine the same.

1. A record on which must be entered the date of admission, name, age, sex, and place of birth of each and every orphan, half orphan, destitute or abandoned child, who is or may hereafter be received or admitted into such institution, and the date of discharge of any such child, when such discharge is made, the parentage, if known; the estate, if any, to which the child is heir, and the insurance, if any, on the father's or mother's life; so far as can be ascertained, the place where either parent or both died, the nativity of the parents, where married, the marriage certificate, where recorded, when they came to California, place of residence in California, and habits of sobriety.

2. A book entitled "monthly accounts." In it must be entered, on the debtor side, all the moneys received from any and all sources segregated under the proper heads; on the credit side must be entered all disbursements made, specifying for what purposes made, and the amount entered in detail so disbursed, segregated under their proper heads.

3. A pay roll of the employees, and the amounts disbursed to each.

4. A book in which must be entered in detail the amounts paid for the specific support of every orphan, half orphan, destitute or abandoned child and the date of such payments.

Township
officers.

13. In counties of this class the township officers shall receive the following compensation, to wit: In townships having a population of twenty-five thousand or more, justices of the peace shall receive a monthly salary of two hundred dollars and may appoint one clerk at a salary of one hundred dollars per month; and constables a monthly salary of one hundred thirty-five dollars.

In townships having a population of ten thousand or more and less than twenty-five thousand, justices of the peace shall receive a monthly salary of one hundred sixty-five dollars and may appoint one clerk at a salary of fifty dollars per month and constables a monthly salary of one hundred ten dollars.

In townships having a population of four thousand nine hundred thirty, or more, and less than ten thousand, justices of the peace shall receive a monthly salary of one hundred forty dollars, and constables a monthly salary of one hundred twenty-five dollars.

In townships having a population of four thousand one hundred forty, or more, and less than four thousand nine hundred thirty, justices of the peace shall receive a monthly salary of seventy-five dollars, and constables a monthly salary of one hundred dollars. Township officers.

In townships having a population of three thousand nine hundred thirty-five, or more, and less than four thousand one hundred forty, justices of the peace shall receive a monthly salary of one hundred dollars, and constables a monthly salary of ninety dollars.

In townships having a population of three thousand five hundred eight, or more, and less than three thousand nine hundred thirty-five, justices of the peace shall receive a monthly salary of one hundred dollars, and constables a monthly salary of seventy-five dollars.

In townships having a population of three thousand four hundred ninety-five, or more, and less than three thousand five hundred eighty, justices of the peace shall receive a monthly salary of twenty dollars, and constables a monthly salary of twenty-five dollars.

In townships having a population of two thousand six hundred thirty, or more, and less than three thousand four hundred ninety-five, justices of the peace shall receive a monthly salary of sixty-five dollars, and constables a monthly salary of seventy-five dollars.

In townships having a population of two thousand four hundred ninety, or more, and less than two thousand six hundred thirty, justices of the peace shall receive a monthly salary of seventy-five dollars, and constables a monthly salary of sixty-five dollars.

In townships having a population of two thousand four hundred fifty-five, or more, and less than two thousand four hundred ninety, justices of the peace shall receive a monthly salary of ninety dollars, and constables a monthly salary of seventy-five dollars.

In townships having a population of one thousand seven hundred seventy, or more, and less than two thousand four hundred fifty-five, justices of the peace shall receive a monthly salary of sixty-five dollars, and constables a monthly salary of seventy-five dollars.

In townships having a population of one thousand four hundred thirty-five, or more, and less than one thousand seven hundred seventy, justices of the peace shall receive a monthly salary of fifty dollars, and constables a monthly salary of sixty dollars.

In townships having a population of one thousand two hundred fifteen, or more, and less than one thousand four hundred thirty-five, justices of the peace shall receive a monthly salary of ninety dollars, and constables a monthly salary of ninety dollars.

In townships having a population of eight hundred fifty-five, or more, and less than one thousand two hundred fifteen, justices of the peace shall receive a monthly salary of twenty dollars, and constables a monthly salary of twenty dollars.

In townships having a population of eight hundred, or more, and less than eight hundred fifty-five, justices of the peace shall receive a monthly salary of thirty dollars, and constables a monthly salary of thirty dollars.

In townships having a population of five hundred eighty, or more, and less than eight hundred, justices of the peace shall receive a monthly salary of one hundred dollars, and constables a monthly salary of one hundred dollars.

In townships having a population of three hundred thirty, or more, and less than five hundred eighty, justices of the peace shall receive a monthly salary of twenty dollars, and constables a monthly salary of twenty dollars.

Salaries of justices of the peace shall be in full compensation for all services rendered by them in both civil and criminal cases. Salaries of constables shall be in full compensation for all services rendered by them in criminal cases, and in addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

The salaries of justices of the peace and of constables shall be paid monthly by the county in the same manner that the salaries of county officers are paid; *provided*, that for the purposes of this section, the population of the several judicial townships of this county shall be ascertained by multiplying the number of votes cast for president at the election held in the year 1916, A. D., by five, which said population in said judicial townships has been computed and is determined to be as follows, to wit:

Population
of
townships.

Judicial Township No. 1	-----	1,435
Judicial Township No. 2	-----	1,215
Judicial Township No. 3	-----	13,025
Judicial Township No. 4	-----	3,580
Judicial Township No. 5	-----	2,490
Judicial Township No. 6	-----	27,350
Judicial Township No. 7	-----	475
Judicial Township No. 8	-----	330
Judicial Township No. 9	-----	855
Judicial Township No. 10	-----	580
Judicial Township No. 11	-----	2,455
Judicial Township No. 12	-----	3,495
Judicial Township No. 13	-----	2,630
Judicial Township No. 14	-----	800

Judicial Township No. 15	-----	3,935
Judicial Township No. 16	-----	4,930
Judicial Township No. 17	-----	4,140
Judicial Township No. 18	-----	1,770
Judicial Township No. 19	-----	5,310

14. In the superior court, jurors' fees and witness fees shall be as follows: Jurors' and witness fees.

For attending as a grand juror, for each day's actual attendance per day, three dollars, and twenty-five cents per mile for each mile actually traveled in going only, and but once during the term for which such juror is drawn, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror for each day's actual attendance, per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a witness in criminal cases and before the grand jury, for each day's actual attendance the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however*, that in criminal cases such per diem and mileage shall only be allowed on a showing to the court by the witness the same was necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

The fees for jurors in criminal cases in justice courts shall be two dollars per day for each day of actual service as a juror, and the justice of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and the treasurer shall pay the same.

15. The county librarian shall receive two thousand four hundred dollars per year. County Librarian.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 810.

An act to add a new section to be numbered section nineteen x seventeen to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Juvenile
court
law.

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x seventeen and to read as follows:

Counties of
17th class,
salary of
probation
officer.

Sec. 19.x17. In counties of the seventeenth class there shall be one probation officer whose salary shall be one hundred fifty dollars per month.

CHAPTER 811.

An act to add a new section to be numbered section nineteen x nineteen to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x nineteen to read as follows:

Counties of
19th class,
salaries of
probation
officers.

Sec. 19x19. In counties of the nineteenth class there shall be one chief probation officer whose salary shall be one hundred fifty dollars (\$150) per month; also one assistant probation officer whose salary shall be seventy dollars (\$70) per month; also three assistant probation officers whose salary shall be thirty-five dollars (\$35) per month, each.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 812.

An act to amend sections twelve, fourteen and twenty-one of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 21, 1911, as amended by an act approved May 26, 1913, as further amended by an act approved June 9, 1915, and as further amended by an act approved May 27, 1919, said new amendments relating to the disposition of lands and property no longer needed for flood control works, to the collections of assessments, to the conducting of delinquent sales, and to maintenance and operation of flood control works and structures by the state department of engineering.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p. 1122,
amended.

SECTION 1. Section twelve of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained

in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911, as amended by an act approved May 26, 1913, as further amended by an act approved June 9, 1915, and as further amended by an act approved May 27, 1919, is hereby amended to read as follows:

Sec. 12. The reclamation board shall have power to acquire either within or without the boundaries of the district, by purchase, condemnation or by other lawful means, in the name of the Sacramento and San Joaquin drainage district, from private persons, corporations, reclamation, swamp land, levee, protection or drainage districts, or other organizations or associations, all lands, rights of way, easements, property or material necessary or requisite for the purpose of by-passes, weirs, cuts, canals, sumps, levees, overflow channels and basins, reservoirs and other flood control works, and other necessary purposes, including drainage purposes; to construct, clear and maintain by-passes, levees, canals, sumps, overflow channels and basins, reservoirs and other flood control works; to construct and maintain ditches, canals, pumping plants, and other drainage works and to operate the same; to make contracts in the name of said district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers by this act conferred, or arising out of the use, taking or damage of any property for any of such purposes; to maintain actions in the name of the people of the State of California to restrain the doing of any act or thing that may be injurious to any of the works necessary to said plan of flood control or that may interfere with the successful execution of said plan or for damages for injury thereto, and any damages so recovered shall be deposited with the state treasurer to the credit of said district and shall be applicable to the payment of warrants against any assessment for the particular portion or project affected by such injury; to establish a standard of levee construction; to do any and all things necessary or incident to the powers hereby granted or to carry out the objects specified herein; to maintain actions in the name of the people of the State of California to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, or embankment or other structure which shall be intersected, traversed or crossed by any by-pass, drainage canal, or overflow channel, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through any such by-pass, drainage canal, or overflow channel, and wherever necessary in the case of existing works, to compel the removal or alteration of any such embankment or other structure; to maintain actions in the name of the people of the State of California to restrain the diversion of the waters of any stream that will increase the flow of water in said Sacramento or San Joaquin rivers or their tributaries, and such diversiou

Powers of
board to
acquire
lands,
etc.

of the waters of any stream into said rivers or either of them or any of their tributaries, is hereby declared to a public nuisance which may be prevented or abated by the reclamation board; to dispose, by sale, exchange, in payment for work done or services rendered, or for any other purpose which the reclamation board might deem advisable, of any land, property, material, equipment, or any other thing in the possession of the Sacramento and San Joaquin drainage district, which, in the opinion of the reclamation board, is no longer needed for the purposes of flood control works or other necessary or convenient purposes.

Acquisition
of lands
required
by U. S.

In case any land, right of way or easement is or shall be needed for any work of channel excavation, enlargement, rectification or control, or for the construction of any weir, which is a part of the plans to be carried out as contemplated by this act, and which is to be done or constructed in whole or in part by the United States or by the State of California and it is or shall be necessary or be required by the United States or by the State of California before doing such work or constructing such weir, that such land, right of way or easement be conveyed to or provided for the use of the United States or the State of California free of cost, the reclamation board shall have power to acquire such land, right of way or easement and cause the same to be conveyed to the United States or to the State of California free of cost, or to be condemned for the use and in the name of the United States or the State of California in the manner provided by the laws of this state or of the United States, and to pay the cost and expense of acquiring such land, right of way or easement out of the funds of any assessment by said board applicable thereto; or if such land, right of way or easement is or shall have been already acquired by said reclamation board in the name of the Sacramento and San Joaquin drainage district, the said board shall be and is authorized to cause the same to be conveyed by said district to the United States or to the State of California free of cost.

Whenever any work to be done by the reclamation board or the Sacramento and San Joaquin drainage district under any of the provisions of this act is such that it can be so done in connection with work of public improvement of rivers and harbors authorized by the United States government as to bring it within the provisions of section four of the United States river and harbor act approved March 4, 1915, authorizing the receipt by the United States government agencies of funds to be contributed for expenditures in connection with funds appropriated by the United States for such work, then the funds under the control of the reclamation board and available for such work, or so much as may be necessary, may be contributed by the reclamation board to the United States government under the provisions of said section of said river and harbor act in order that the work may be done in the manner thereby contemplated.

SEC. 2. Section fourteen of said act is hereby amended to read as follows: Stats. 1915,
p. 1818,
amended.

Sec. 14. After the reclamation board has held the hearings in each county pursuant to section thirteen of this act and the assessment lists have been made to conform with its decision, said lists shall be certified by the secretary of the board to be correct, and shall thereupon be filed in the offices of the county treasurers, respectively, of the several counties in which are situated any of the lands assessed thereby. Each such county treasurer shall endorse thereon the date and time to the hour and minute when the same was so filed in his office; and thereafter from that time such assessment shall constitute a lien upon the lands so assessed in such county, and shall impart notice to all subsequent purchasers or incumbrancers or any person acquiring any interest in or lien upon said lands. The assessment shall then be paid to the respective county treasurers in one or more installments of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct. Assessments
become
lien on
land.

At the time within thirty days after said assessment list has been so filed in the office of the county treasurer as provided above, the whole amount of such assessment upon any tract of land therein separately assessed may be paid in cash to the county treasurer and thereupon the county treasurer shall issue his receipt therefor and shall endorse the fact and date of such payment upon the assessment list, and thereupon the lien of such assessment upon such tract of land shall cease. No interest shall be charged on any assessment paid in full within this thirty-day period. All assessments not paid in full within said period of thirty days shall bear interest at the rate of seven per cent per annum from and after the time when the assessment list is filed in the office of the county treasurer for collection. The remaining portion not yet ordered paid by said board of the assessment upon any tract of land may be voluntarily paid in full, with the accrued interest thereon, at any time after the lien of such assessment has accrued. Payment
within
thirty
days.

If any installment shall remain unpaid at the expiration of thirty days from the date of the board order calling said installment, then said installment shall become delinquent, together with accrued interest thereon to date of delinquency. When any such installment shall become delinquent, a penalty of one dollar, together with twenty per cent of the amount of such installment plus interest, shall be added thereto and collected for the use of the district: *provided*, that if any action is pending in any court to have the assessment on any tract of land reviewed, modified or annulled, as provided herein, such assessment, if not annulled in said action, may, in the discretion of the board, become delinquent thirty days after any judgment rendered therein shall become final. From date of delinquency until time of delinquent sale, such unpaid install- Interest
after
thirty
days.

Delinquent
install-
ment.

ment, together with added interest and penalty, shall bear interest at the rate of seven per cent per annum.

Notice of
delinquency
and sale.

After the said installment has become delinquent, the board, when it shall deem it advisable, shall publish in each county where such delinquencies exist, at least once a week for two weeks in some newspaper of general circulation published in the said county, a list in one notice of all said delinquencies in such county which notice shall contain a description of the property assessed as described in the assessment list or by other descriptions sufficient to identify the same, the name of the owner to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount of the delinquent installment, interest and penalty as above provided, and a further notice that each of said parcels will be sold at public auction by said county treasurer in front of the court house of said county at a specified day and hour, to pay said installment with accrued interest and the penalty, together with its proportion of the total cost of publication of said notice of sale.

Sale to
highest
bidder.

At the time and place stated in said notice, or such other time to which said sale may have been postponed, the county treasurer shall sell each parcel of land described in said notice to the highest bidder for gold coin of the United States unless prior thereto he shall have received payment in full of said delinquent installment, interest, penalty and cost of publication. If not completed on the first day the sale may be continued from day to day and over Sundays and legal holidays until completed. No license shall be required of the county treasurer for conducting such sale. No bid for any parcel shall be accepted which is less than the aggregate sum then due for said installment thereon, together with accrued interest, penalty and cost of publication. If no bid is made for any parcel at such delinquent sale which is equal to the total amount then due thereon, the county treasurer shall bid in and sell said parcel to the said Sacramento and San Joaquin drainage district for the amount of said delinquent installment or installments, together with accrued interest, penalty and cost of publication.

Certificate
of sale.

The county treasurer shall execute to each purchaser at such delinquent sale including said drainage district, a certificate of such sale, which certificate of sale shall be recorded by said purchaser in the county recorder's office of said county. Out of the proceeds of said sales the county treasurer shall transmit to the state treasurer the total amount then due on the property so sold as shown in said notice, and shall pay to the owner of said property any surplus remaining after such payment to the state treasurer. The county treasurer shall, when directed by the reclamation board, postpone the said delinquent sale from time to time for not less than ten nor more than thirty days by a written notice posted at or near the place of sale, which written notice shall be substantially as follows: The sale of property for delinquent assessment

under (name and number of assessment) of the Sacramento and San Joaquin drainage district, which was fixed for (time and place of sale) has been postponed to (time to which postponed) at the same place.

Any person interested in any tract of land sold at such delinquent sale may redeem the same at any time within one year after the date of sale by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certificate of sale with interest thereon at the rate of twelve per cent per annum from the date of sale to the date of such redemption, together with the amount remaining due and unpaid of any installment upon any assessment on said land under the reclamation board act, with the penalty prescribed above for such other delinquencies. If no redemption shall be made within one year the reclamation board upon demand and the surrender of such certificate of purchase and the delivery of a certificate of the county treasurer that no redemption has been made within such year from date of sale, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances except state, county and municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of said or any assessment made by said drainage district, which said balance must be called in and collected in the same manner as other assessments, except that no parcel sold and conveyed to the Sacramento and San Joaquin drainage district shall thereafter, until redeemed or until sold and disposed of by the reclamation board, be subject to sale by the treasurer for subsequent installments of the said or any assessment as in this act provided.

Each deed by the reclamation board purporting to be executed under this act shall be prima facie evidence of the truth of the matters therein recited and of ownership by grantee of the lands therein described. All deeds herein required to be executed by the reclamation board may be executed by the president and secretary thereof on behalf of said board. Any parcel of land bid in and purchased by the Sacramento and San Joaquin drainage district at such delinquent sale shall be held in trust for the assessment under which the same was sold and may be sold and conveyed by said reclamation board or their successors in office at any time after the expiration of said redemption period of one year at public or private sale and with or without notice, to any person paying not less than the amount for which said parcel was bid in by said county treasurer at such delinquent sale for said drainage district, with interest thereon at the rate of twelve per cent per annum compounded yearly from the date of such delinquent sale, and also the amount of all subsequent installments or other assessments then delinquent, with accrued interest and penalties thereon.

Redemption
within one
year.

Deed if no
redemption.

Sale of
land pur-
chased
by district.

Deed.

Payment for the land so purchased shall be made in gold coin of the United States, and the reclamation board shall execute a deed to such purchaser at such sale conveying said property, free of all encumbrances except state, county and other municipal taxes, assessments levied or assessed by statutory authority and the unpaid balance of all assessments of said drainage district, which balance must be called in and collected in the same manner as other assessments. If any lands so held by said drainage district remain unsold then the reclamation board shall sell all such lands so held by said drainage district at public auction to the highest bidder for cash, upon two weeks published notice substantially in the manner provided for notice upon above delinquent sales, and shall execute to the purchaser a conveyance, which deed shall convey title to the land as above prescribed. The proceeds of such sale shall be deposited with the state treasurer to the credit of the assessment under which the property became delinquent.

Sale at public auction.

Services of officers.

No county or public officer shall charge or receive any fee for any of the services required to be performed by him under the provisions of this act; but any reasonable and necessary expense actually incurred by any officer in carrying out any of the provisions of this act relating in any manner to the collection or enforcement of any assessment, shall be paid out of the funds of said drainage district applicable thereto. If the reclamation board or any member thereof or any officer or appointee or employee thereof or any public officer in this act mentioned or referred to shall fail to perform any duties imposed by this act, at the time and in the manner in this act provided, the attorney general of the state shall have the power and it shall be his duty to compel the performance of such act by mandamus proceedings or by any other appropriate remedy, legal or equitable; and in case the attorney general shall fail, neglect or refuse so to do, it shall be the duty of the governor to compel the performance of such act by mandamus proceedings or other appropriate legal or equitable remedy and to employ special counsel therefor at the expense of said Sacramento and San Joaquin drainage district.

Mandamus.

Stats. 1915, p. 1357, amended

Work may be done by board.

Sec. 3. Section twenty-one of said act is hereby amended to read as follows:

Sec. 21. Any construction or repair work to be undertaken or done upon the initiative of the reclamation board under any of the provisions of this act may, at the option of said board, be undertaken and done by said board under the sole charge and direct control of said board, its officers, agents and employees, free from any jurisdiction or control of the state department of engineering over the same. Any such work to be so undertaken and done by the reclamation board may be done wholly or partly by contract let by the board in such manner as the board may determine, or may be done wholly or partly by day labor or force account if deemed advisable by the

board. Said board is hereby authorized to construct, purchase, rent, sell or exchange, from time to time as may be found necessary or convenient, any and all such dredgers, machines, appliances, tools, apparatus and other property as may be necessary or convenient for doing any such work; and the cost thereof shall be apportioned to and paid from the funds raised from the several assessments levied or to be levied by said board in a just and equitable manner according to the use made of the same in carrying out the several separate portions or projects for which such assessments are levied respectively.

Any such dredgers or other equipment, when not in use on any work of the reclamation board, may be by said board rented for use by others, and the rental received therefrom by said board shall be paid over to the state treasurer and by him credited to the balance or balances remaining unexpended of the assessment or assessments against which the cost of such equipment has been paid or is to be charged, as indicated to him by said board.

Rental of
equipment.

The reclamation board may also, at its option, determine that any construction, repair work, or maintenance or operation of flood control works or structures shall be taken charge of and constructed, maintained or operated by the state department of engineering, in which case the plans and specifications for such work shall be prepared and approved by the reclamation board and by said board delivered to the state engineer, together with a request that such work be taken charge of and done by the state department of engineering, and thereupon such work shall be done or constructed under the sole charge and direct control of the state department of engineering in the manner provided by law for the doing of such work by that department; and the cost thereof and any necessary and proper expenses incurred by said department of engineering in connection therewith shall be a legal charge against the Sacramento and San Joaquin drainage district and paid out of any assessment or other fund applicable thereto; *provided, however*, that any contract let by the state department of engineering for the doing of any such work shall be approved by the reclamation board before becoming effective; *and provided, further*, that any cash, bond, check or other security forfeited by any bidder or contractor for failure to enter into or to perform any contract for the doing of any such work shall be forfeited to and recovered by the reclamation board for the use of the Sacramento and San Joaquin drainage district, and as soon as received or recovered shall be paid to the state treasurer and by him placed to the credit of the assessment out of which the cost of such work is to be paid.

Work may
be done
by engi-
neering
department.

In the case of any such work so done or constructed by said department of engineering, the reclamation board may furnish to said department of engineering for use in such construction any of its dredgers, machines, appliances, tools, apparatus, or other property which may be necessary or convenient for doing such work.

CHAPTER 813.

An act to amend section one thousand five hundred ninety-five of the Political Code, relative to notices of election for school trustees.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand five hundred ninety-five of the Political Code is hereby amended to read as follows:

Notices of
election for
school
trustees.

1595. Not less than thirty days before the election required under section one thousand five hundred ninety-three, the trustees must post notices in three public places in the district and publish the same once a week for three weeks in some newspaper of general circulation published in the district, which notices must specify the time and place of election, the number of trustees to be voted for, the location of the polls, and the hours during which the polls will be kept open. If the trustees shall neglect or refuse to call said election then at any time fifteen days prior to the date of the same, any three electors of the district may post notices and advertise as hereinbefore provided, except that notices shall be published once a week for two weeks; and the cost of posting and advertising shall be a charge against the district; *provided*, if there shall be no newspaper of general circulation published in the district notices of said election shall be given by posting as hereinbefore provided.

CHAPTER 814.

An act to amend section four thousand two hundred forty-eight of the Political Code, relating to the salaries, fees and expenses of officers in counties of the nineteenth class.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-eight of the Political Code is hereby amended to read as follows:

Counties of
19th class,
salaries of
officers.

4248. In counties of the nineteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

County
clerk.

1. The county clerk, three thousand six hundred dollars per annum, and such fees as are allowed by law for issuing hunting and fishing licenses, and for the naturalization of persons desiring to become citizens; also five hundred dollars additional per year for the registration of voters. He shall

also be allowed to appoint one chief deputy, which office of chief deputy is hereby created, who shall receive as compensation the sum of two thousand dollars per annum payable out of the same fund and in the same manner as the salaries of other county officers are paid. He shall also be allowed to appoint one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of one thousand two hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; *and provided, further*, that in any year when a registration of voters is required by law, that said county clerk may appoint such number of deputies, who are hereby designated and shall be known as registration deputies, with full power to register electors as may be necessary for the convenient registration of voters in their respective precincts or townships, each of said registration deputies to receive the sum of ten cents per name for each elector registered by him. The compensation of such registration deputies for such registration of electors shall be paid out of the general fund of the county on a duly verified claim therefor approved by said county clerk and allowed by the board of supervisors of said county.

2. The sheriff, four thousand five hundred dollars per annum, ^{Sheriff} and the fees or commissions for the service of all papers whatsoever issued by any court outside of the superior court in and for his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of one thousand two hundred dollars per annum, an undersheriff at a salary of two thousand dollars per annum, a deputy jailer at a salary of one thousand eight hundred dollars per annum, who shall act as a jailer for the county jail, and a deputy jailer who shall be custodian of the courthouse grounds at a salary of one thousand five hundred dollars per annum, and the salaries of which deputies shall be paid by the county in the same manner and out of the same fund as the salaries of other county officers are paid.

3. The recorder three thousand dollars per annum. He ^{Recorder.} shall also be allowed one deputy which office of deputy recorder is hereby created, who shall receive as compensation the sum of two thousand dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. He shall also be allowed two copyists which two offices of copyists are hereby created, who shall receive as compensation the sum of one thousand two hundred dollars, each per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

4. The auditor, three thousand dollars and such fees as ^{Auditor.} are allowed by law. The auditor shall also be allowed one deputy, which office of deputy auditor is hereby created who shall receive as compensation the sum of two thousand dollars

per annum. In addition to said deputy the county auditor shall have the right to employ from time to time in his office such additional assistants as may be required to promptly perform the work required to be done therein. Such assistants shall receive a salary not to exceed five dollars each for each day they are actually and necessarily employed and not to exceed the sum of four hundred dollars in any one year. The deputy and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. The treasurer, two thousand eight hundred dollars per annum. He shall also be allowed one deputy which office of deputy treasurer is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Tax collector.

6. The tax collector, three thousand dollars per annum. He shall also be allowed one deputy, which office of deputy tax collector is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of the other county officers are paid. In addition to said deputy, the county tax collector, shall have the authority to employ from time to time in his office one additional assistant as may be required to promptly perform the work necessary therein. Said assistant shall receive a salary not to exceed five dollars per day and not to exceed the sum of two hundred dollars (\$200) in any one year. The deputy and assistant herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, four thousand dollars per annum, and his actual and necessary traveling expenses, when engaged in assessing the property of his county; *provided*, such traveling expenses shall not in any one year exceed the sum of two hundred dollars. He shall also be allowed one deputy which office of deputy is hereby created, who shall receive as compensation two thousand one hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid and such additional deputy assessors and clerks as the assessor may appoint, at a salary not to exceed five dollars per day each, not to exceed one thousand dollars per annum, said additional deputies and clerks to be paid for their services on the presentation and filing with the board of supervisors of said county duly verified claims therefor. The assessor shall also be allowed all fees and commissions allowed him by law for collection of personal property taxes and poll taxes and for preparation of roll of persons subject to military duty.

District attorney.

8. The district attorney, three thousand dollars per annum. He shall be allowed one stenographer which office of stenographer is hereby created, who shall receive as compensation one

thousand five hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

9. The coroner, such fees as are now or may hereafter be Coroner. allowed by law.

10. The public administrator, eight hundred dollars per Public administrator. annum.

11. The superintendent of schools, three thousand dollars per annum, and actual traveling expenses when visiting the schools in his county; *provided*, the superintendent of schools may appoint one assistant superintendent of schools which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of one thousand two hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Superintendent of schools.

12. The surveyor, three thousand dollars per annum. He Surveyor. shall also be allowed to appoint one clerk which office of clerk is hereby created and who shall receive as compensation the sum of one thousand eighty dollars per annum. He shall also be allowed all necessary field expenses including transportation while on duty away from the office.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, Justices of the peace. which shall be in full for all services rendered by them: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of one thousand five hundred and less than six thousand, seventy-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of five hundred and less than one thousand, twenty dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines and fees collected by him in criminal and civil cases as provided for by law.

14. Constables, the following salaries which shall be paid Constables. monthly as salaries of the county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of one thousand eight hundred and more, one hundred twenty-five dollars; in townships having a population of one thousand five hundred and less than one thousand eight hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such as are now or may be hereafter allowed

by law for all services performed by him in civil actions. For the purpose of this section, the basis of calculation for fixing the compensation of justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however*, that whenever the census of any township or townships shall have been taken under the provisions of this title, said census may become the basis of calculation.

Supervisors.

15. Each member of the board of supervisors, one thousand two hundred dollars per annum for all services rendered including mileage and including services as road commissioners; *provided*, that when required to go on business to any point outside of the county, they shall be allowed actual expenses.

Board of education.

16. Each member of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month.

In effect when.

17. Sections one, two, three, four, five, six, seven, eight, eleven, twelve, thirteen, and the provisions of section fourteen relating to townships having a population of one thousand eight hundred and more shall go into effect ninety days after final adjournment of the legislature.

Full compensation.

The salaries herein allowed are in full compensation for all duties performed by either principals or their deputies and all fees of every kind collected by each officer or his deputy except the assessor and his deputies as provided in section seven of this act, shall be paid into the county treasury as provided by law except that the county clerk, sheriff, auditor, assessor, coroner, and constables, shall each be allowed the fees and commissions as provided for in subdivisions one, two, four, seven, nine, and fourteen, respectively, of this act.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 815.

An act to authorize the state board of control to purchase and invest in warrants of the Sacramento and San Joaquin drainage district.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The state board of control is hereby authorized, out of any funds of the state which said board is authorized by law to invest, to purchase at their face value and invest in any warrants of the Sacramento and San Joaquin drainage district drawn by the state controller as provided in the reclamation board act and payable out of any assessment levied or to be levied by the reclamation board upon lands within said Sacramento and San Joaquin drainage district.

State board of control authorized to purchase warrants of Sacramento and San Joaquin drainage district.

SEC. 2. Said board of control is hereby further authorized to exchange any warrants so purchased by said board for other warrants drawn against the same assessment, and to sell all or any part of such warrants so purchased or taken in exchange; *provided*, that all such exchanges or sales of warrants shall be effected without loss to the state.

SEC. 3. All warrants so purchased or acquired by exchange by the board of control shall be registered by the state treasurer, unless already registered, and shall be payable with interest in their proper order of registration, as provided in the reclamation board act, and shall, unless sold or exchanged as above provided, be held by the board of control until paid, whereupon the proceeds thereof shall be returned into the fund out of which such purchase or investment was made.

CHAPTER 816.

An act to authorize the sale and conveyance by the state board of control of any land required by the state for right of way for any river improvement work or flood control and determined by the reclamation board to be in excess of what is required for that purpose, and to credit the proceeds of such sale to such fund as the reclamation board may direct.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. In case it should be determined by the reclamation board that any land heretofore or hereafter acquired by the Sacramento and San Joaquin drainage district and deeded to the State of California, for any right of way for river improvement work or flood control is in excess of what

Sale of land in excess of needs for river improvement work.

is or will be required therefor, the board of control upon request of the said reclamation board is hereby authorized to negotiate the sale thereof at a purchase price determined upon by said reclamation board, and the chairman of said board of control is hereby empowered when so authorized by said reclamation board to execute and deliver in the name and on behalf of the State of California, a conveyance of such land to the purchaser upon payment of such purchase price to state treasurer.

SEC. 2. Such purchase price when so paid to the state treasurer shall be credited to such fund as the reclamation board, in its discretion, shall direct.

CHAPTER 817.

An act to amend section two hundred four e of the Code of Civil Procedure, relating to jury commissioners.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two hundred four e of the Code of Civil Procedure is hereby amended to read as follows:

Jury com-
missioner.

204e. In any county or city and county where there is a secretary of the superior judges of such county or city and county, a majority of the superior judges may in their discretion require such secretary to perform the duties of jury commissioner in addition to his regular duties as secretary. In such case the salary of the secretary of the superior judges shall be four hundred fifty dollars a month.

CHAPTER 818.

An act to add a new section to be numbered section nineteen x eighteen to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to

such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith" approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x eighteen and to read as follows:

19x18. In counties of the eighteenth class there shall be one probation officer whose salary shall be one hundred sixty-six dollars and sixty-six cents per month.

Counties of
18th class,
salary of
probation
officer.

CHAPTER 819.

An act amending an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919, by amending sections two, four and eight thereof, and repealing section nine thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two of an act entitled "An act to authorize the counties of the State of California to establish

Stats. 1910,
p. 788,
amended.

retirement systems for their employees," approved May 20, 1919, is hereby amended to read as follows:

Retirement
system for
county
employees
established.

Sec. 2. There is established in each of the several counties of the state, a retirement system for its employees, as defined in section three; *provided, however*, that the provisions of this act shall become effective in any particular county only upon condition that the provisions of this act are accepted by ordinance passed by a four-fifths vote of its board of supervisors, in which event the provisions of this act shall become operative in such county on the first day of January, or on the first day of July next following the expiration of three months after the passage of said ordinance.

Stats. 1919,
p. 784,
amended.
Board of
retirement.

Sec. 2. Section four of said act is amended to read as follows:

Sec. 4. (1) The management of the retirement system is hereby vested in the board of retirement, consisting of three members, one of whom shall be the county treasurer. The second member shall be a member of the association elected by the latter within thirty days after the date when the retirement system becomes operative as provided under section two, in a manner to be determined by the county board of supervisors. The third member shall be an officer or employee of the county chosen by the board of supervisors. The first person so chosen or appointed as third member shall serve for two years; otherwise and thereafter the term of office of the two elected members shall be three years. On a vacancy occurring in the board for any cause or on the expiration of the term of office of any member, a successor of the person whose place has become vacant or whose term has expired shall be chosen in the same manner as was his predecessor. Separation from the service of the county of a member of the board of retirement shall automatically vacate his office.

Compensa-
tion.

(2) The members of the board of retirement shall serve without compensation, but they shall be reimbursed out of the funds of the county, appropriated in section five (1) to defray the cost of operating the retirement system, for any expense or loss of salary or wages which they may have incurred through service on the board.

County
treasurer
shall have
control of
funds.

(3) Subject to the approval of the board of retirement, the county treasurer shall have charge and control of and shall safely keep the funds of the system, and shall invest and reinvest the same, and may from time to time sell any securities held by him and invest and reinvest the proceeds therefrom, and any and all unappropriated income of said funds; *provided, however*, that all funds received by him not required for current disbursements shall be invested in first mortgages on improved real estate situated within the county not exceeding sixty per cent of the value thereof; or in bonds of the United States or of the State of California, or of any county, city and county, or municipal corporation, or other subdivision thereof; or deposited at interest in any state or national bank doing business within the county; *provided*, that the credit of the

county shall not be given or lent in aid of, or to, any person, association, or corporation, whether municipal or otherwise, nor shall it be pledged in any manner whatever for the payment of the liabilities of any individual, association, municipal or other corporation whatever. He may, whenever he sells such securities, deliver the securities so sold upon receiving the proceeds thereof, and may execute any and all documents, necessary to transfer the title thereto. The duties herein imposed upon the county treasurer shall be deemed a part of his official duties and for the faithful performance of which he shall be liable on his official bond.

(4) A trust fund account to be known as employees retirement fund is hereby created to be opened upon the books of the auditor and treasurer of the counties adopting a retirement system under the provisions of this act. Employees retirement fund.

All transfers or payments to the retirement system, and all withdrawals and other cash transactions, shall be accounted upon the books of the auditor and treasurer in and out of this fund account, in the manner they would be accounted if they were county transactions.

All warrants drawn on the employees retirement fund shall be signed by the treasurer and at least one other member of the board of retirement, who shall be designated by such board, but no warrant so drawn shall be valid until it has been countersigned and numbered by the county auditor and a record made of it by him.

(5) The board of retirement shall have power to make by-laws and regulations not inconsistent with the provisions of this act and such by-laws and regulations shall become effective when approved by the board of supervisors. The by-laws shall provide among other things: By-laws and regulations.

(a) For the election of officers, terms for which elected, times of meeting and all other matters relating to the administrative procedure of the board.

(b) In the discretion of the board, for exemption from membership of persons whose tenure is temporary, or intermittent, or part time; and for exemption from membership, or for reduced rate of deposit (which in no such case shall be less than two dollars per month) of, or by persons whose rate of compensation is less than eighty dollars per month, or by persons whose compensation is measured by a per diem wage.

(c) For the filing of a sworn statement by every person who is or who shall have become an employee of the county, showing date of birth, nature and duration of employment with the county, compensation received, and giving any other information that may be required by the board that will enable it to determine eligibility for membership and retirement.

(d) For forms of membership and annuity certificates and for such other forms as may be required.

Annual
statement
filed with
supervisors.

(6) The county treasurer in January of each year shall file with the clerk of the board of supervisors a sworn statement which shall exhibit the financial condition of the retirement system at the close of the preceding calendar year and its financial transactions for said year. Such statement shall be in the form approved by the board of supervisors and shall show the following matters:

A. ASSETS.

- (1) Cash on hand.
- (2) Cash on deposit.
- (3) Securities owned.
- (4) All other assets, showing each kind separately.

B. LIABILITIES.

(1) Members' deposit reserve—Less than ten years.—The total of the deposits of members actually received by the treasurer or due from the county under section five (2) (a), for the first nine and a fraction years, and held subject to withdrawal by such members, together with regular interest thereon separately reported.

(2) Members' deposit reserve—Ten years and over.—The total of the deposits of members who have made deposits for ten or more years actually received by the treasurer or due from the county under section five (2) (a), and held subject to withdrawal by such members, together with regular interest thereon separately reported.

(3) County advance reserve—The unused amount advanced by the county during the first ten years under section five (2), (d).

(4) County contribution reserve.—An amount equal to the net amount of the deposits by members that have made deposits for ten or more years plus regular interest, as reported under the provisions of subdivision (6) B (2) of this section.

(5) Annuity reserve.—The present worth of the combined annuities as a group entered upon under section six, on the basis of the mortality and annuity tables and regular interest rates provided for in this act. The unpaid annuities, resulting from the death of members before the full amount reserved for such annuities has been paid, shall not be deducted from this reserve but such amounts shall be used for the payment of annuities of persons exceeding their life expectancy.

(6) Prior service annuity reserve.—The unexpended amount contributed by the county for the payment of annuities for prior service as provided by section six (2) B (4), and section five (4), which must not be less than the amount of the annuities due and unpaid.

(7) Gifts and bequests.—The amount received as gifts or bequests and held under the terms of such gifts or bequests.

- (8) All other liabilities.

C. RESULTING SURPLUS OR DEFICIT.

- (1) Surplus if assets exceed liabilities.
- (2) Deficit if liabilities exceed assets.

SEC. 3. Section eight of said act is amended to read as follows: Stats 1919, p. 791, amended.

Sec. 8. The board of supervisors in any county in which the provisions of this act have been accepted shall prescribe mortality and annuity tables based upon the rate of interest herein named, and may at any time modify such tables or prescribe other tables to represent more accurately the cost of the annuity system and may determine the application of the change so made. Mortality and annuity tables.

Said board of supervisors shall also prescribe and supervise methods of bookkeeping for the retirement association formed under the provisions of this act.

SEC. 4. Section nine of said act is repealed.

Repealed.

CHAPTER 820.

An act to amend section four hundred ninety-eight of the Civil Code, relating to construction of street railway tracks.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. That section four hundred ninety-eight of the Civil Code is hereby amended to read as follows:

498. The city or town authorities, in granting the right of way to street railroad corporations, in addition to the restrictions which they are authorized to impose, must require a strict compliance with the following conditions, except in the cases of prismoidal or other elevated railways. In such cases, said railway shall be required to be constructed in such a manner as will present the least obstruction to the freedom of the streets on which it may be erected, when allowed by the granting power: Construction of street railway tracks.

First—To construct their tracks on those portions of streets designated in the ordinance granting the right, which must be as nearly as possible in the middle thereof.

Second—That the tracks must not be more than five feet wide within the rails, and must have a space between them sufficient to allow the cars to pass each other freely.

CHAPTER 821.

An act to be known as the "inheritance tax act," to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter five hundred eighty-nine of the laws of the session of the legislature of California of 1917, approved May 23, 1917, known as the "inheritance tax act," and to repeal all acts and parts of acts in conflict with this act.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Title. SECTION 1. (1) This act shall be known as the "inheritance tax act."

"Estate" and "property." (2) The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state; *provided*, that for the purpose of this act the one-half of the community property which goes to the surviving wife on the death of the husband, under the provisions of section one thousand four hundred two of the Civil Code, shall not be deemed to pass to her as heir to her husband, but shall, for the purpose of this act, be deemed to go, pass, or be transferred to her for valuable and adequate consideration and her said one-half of the community shall not be subject to the provisions of this act; *provided, further*, that in case of a transfer of community property from the husband to the wife, within the meaning of subdivision (3) or (5) of section two of this act, one-half of the community property so transferred shall not be subject to the provisions of this act; *and provided, further*, that the presumption that property acquired by either husband or wife after marriage is community property, shall not obtain for the purpose of this act as against any claim by the state for the tax hereby imposed; but the burden of proving such property to be community property shall rest upon the person claiming the same to be community property.

"Transfer." (3) The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described.

(4) The word "decedent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor. "Decedent"

(5) The words "county treasurer" and "inheritance tax appraiser," as used in this act, shall be taken to mean the treasurer or the inheritance tax appraiser of the county of the superior court having jurisdiction as provided in section fifteen of this act. "County treasurer"
"inheritance tax appraiser."

SEC. 2. A tax shall be and is hereby imposed upon the transfer of any property, real, personal or mixed, or of any interest therein or income therefrom in trust or otherwise, to persons, institutions or corporations, not hereinafter exempted, to be paid to the treasurer of the proper county, as hereinafter directed, for the use of the state, said taxes to be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted, in the following cases: Tax on transfer of property, when.

(1) When the transfer is by will or by the intestate or homestead laws of this state, from any person dying seized or possessed of the property while a resident of the state, or by any order of court setting apart property pursuant to article one, chapter five, title eleven, part three of the Code of Civil Procedure.

(2) When the transfer is by will or intestate laws of property within this state and the decedent was a nonresident of the state at the time of his death; or by any order of court setting apart property pursuant to article one, chapter five, title eleven, part three of the Code of Civil Procedure.

(3) When the transfer is of property made by a resident, or by a nonresident when such nonresident's property is within this state, by deed, grant, bargain, sale, assignment or gift, made without valuable and adequate consideration (i. e., a consideration equal in money or in money's worth to the full value of the property transferred):

(a) In contemplation of the death of the grantor, vendor, assignor or donor, or,

(b) Intended to take effect in possession or enjoyment at or after such death.

When such person, institution or corporation becomes beneficially entitled in possession or expectancy to any property or the income therefrom, by any such transfer, whether made before or after the passage of this act.

(4) The words "contemplation of death," as used in this act, shall be taken to include that expectancy of death which actuates the mind of a person on the execution of his will, and in nowise shall said words be limited and restricted to that expectancy of death which actuates the mind of a person making a gift causa mortis; and it is hereby declared to be the intent and purpose of this act to tax any and all transfers which are made in lieu of or to avoid the passing of property transferred by testate or intestate laws. "Contemplation of death."

Property held in joint names.

(5) Whenever property, real or personal, is held in the joint names of two or more persons, or is deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons, the right of the surviving joint tenant or joint tenants, person or persons to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of this act in the same manner as though the whole property to which such transfer relates belonged absolutely to the deceased joint tenant or joint depositor and had been devised or bequeathed to the surviving joint tenant or joint tenants, person or persons, by such deceased joint tenant or joint depositor by will, excepting therefrom such part thereof as may be proved by the surviving joint tenant or joint tenants to have originally belonged to him or them and never to have belonged to the decedent.

Appointment deemed transfer.

(6) Whenever any person, trustee or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment, when made, shall be deemed a transfer taxable under the provisions of this act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and had been bequeathed or devised by such donee by will; and whenever any person, trustee or corporation possessing such power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons, trustees or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

Bequest exceeding reasonable compensation.

(7) Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devise, or residuary legacies exceeds what would be a reasonable compensation for their services, such excess over and above the exemptions herein provided for shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

Charge determinable by death.

(8) Where any property shall, after the passage of this act, be transferred subject to any charge, estate or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase accruing to any person or corporation upon the extinction or determination of such charge, estate or interest, shall be deemed a transfer of property taxable under the provisions of this act in the same manner as though the person or corporation beneficially

entitled thereto had then acquired such increase from the person from whom the title to their respective estates or interests is derived.

(9) When more than one transfer within the meaning of any of the preceding subdivisions of this section has been made, either before or after the passage of this act, by a decedent to one person, the tax shall be imposed upon the aggregate market value of all of the property so transferred to such person in the same manner and to the same extent as if all of the property so transferred were actually transferred by one transfer. Tax on aggregate market value.

(10) In determining the market value of the property transferred, the following deductions and no others shall be made from the appraised value thereof: Deductions from appraised value.

(a) Debts of decedent owing at date of death;

(b) Expenses of funeral and last illness;

(c) All state, county, and municipal taxes which are a lien against said property at the date of death;

(d) The ordinary expenses of administration, including the ordinary fees allowed executors and administrators and the ordinary fees of their attorneys under the provisions of sections one thousand six hundred eighteen and one thousand six hundred nineteen of the Code of Civil Procedure of California;

(e) The amount due or paid the government of the United States as a federal inheritance or estate tax; *provided, however*, that the amount of such tax allowable herein as a deduction shall be limited to a computation thereof (commencing at the primary rates) made by the acting state inheritance tax appraiser upon his own valuations of that portion of such property only, the transfer of which is taxable under the provisions of this act, by applying to such valuations the exemptions and rates of the federal inheritance or estate tax in force at the date of such transfer;

(f) The amount due or paid any state or states of the United States (excepting California) as a state inheritance, succession or transfer tax; *provided, however*, that the amount of such tax allowable herein as a deduction shall be limited to a computation thereof (commencing at the primary rates) made by the acting state inheritance tax appraiser upon his own valuations of that portion of such property only, the transfer of which is taxable under the provisions of this act, by applying to such valuations the exemptions and rates of such state inheritance, succession or transfer tax in force at the date of such transfer.

SEC. 3. Such taxes shall be and remain a lien upon the property passed or transferred until paid; *provided, however*, that where property is sold under and in accordance with the provisions of chapter seven, title eleven, part three of the Code of Civil Procedure the lien herein provided for shall be released from the property so sold and shall attach to the proceeds of such sale, and the person to whom the property passes or is transferred, except as herein in this section provided, and all administrators, executors and trus- Lien.

tees of every estate so transferred or passed, shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. The provisions of the Code of Civil Procedure relative to the limitation of time of enforcing a civil remedy shall not apply to any proceeding or action taken to levy, appraise, assess, determine, or enforce the collection of any tax or penalty prescribed by this act, and this section shall be construed as having been in effect as of date of the original enactment of the inheritance tax law; *provided*, that unless sued for within five years after they are due and legally demandable, such taxes, or any taxes accruing under any act herein repealed, shall cease to be a lien as against any bona fide purchaser of said property; *and provided*, that no such lien shall cease within two years from the date of the passage of this act.

Tax when
property
value
not over
\$25,000.

SEC. 4. When the property or any beneficial interest therein so passed or transferred exceeds in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars, the tax hereby imposed shall be:

(1) Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal ancestor, lineal issue of the decedent or any child adopted as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent (provided, however, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter), or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of the clear value of such interest in such property.

(2) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of a decedent, a wife or widow of a son, or the husband of a daughter of the decedent at the rate of three per centum of the clear value of such interest in such property.

(3) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

(4) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

Tax when
property
value
exceeds
\$25,000.

SEC. 5. (1) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision one of section four exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, two per centum of such excess.

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, four per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars and up to two hundred thousand dollars, seven per centum of such excess.

(d) Upon all in excess of two hundred thousand dollars and up to five hundred thousand dollars, ten per centum of such excess.

(e) Upon all in excess of five hundred thousand dollars, twelve per centum of such excess.

(2) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision two of section four exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, six per centum of such excess.

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, nine per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars and up to two hundred thousand dollars, twelve per centum of such excess.

(d) Upon all in excess of two hundred thousand dollars and up to five hundred thousand dollars, fifteen per centum of such excess.

(e) Upon all in excess of five hundred thousand dollars, eighteen per centum of such excess.

(3) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision three of section four exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, eight per centum of such excess.

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, ten per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars and up to two hundred thousand dollars, fifteen per centum of such excess.

(d) Upon all in excess of two hundred thousand dollars, twenty per centum of such excess.

(4) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision four of section four exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, ten per centum of such excess.

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, fifteen per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars, twenty per centum of such excess.

Rules of
tax on
property
or interest
transferred.

Exemptions.

SEC. 6. The following exemptions from the tax are hereby allowed:

(1) All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof, shall be exempt; *provided, however*, that such society, corporation, institution or association be organized or existing under the laws of this state or that the property transferred be limited for use within this state.

(2) (a) Property of the clear value of twenty-four thousand dollars, transferred to the widow or to a minor child of the decedent, and of ten thousand dollars transferred to each of the other persons described in the first subdivision of section four, shall be exempt.

(b) All property transferred by a decedent to any person described in the first subdivision of section four, providing the same was transferred to such decedent not more than five years prior to his death by another decedent of the class described in the first subdivision of section four, and a tax paid thereon, shall be exempt.

(3) Property of the clear value of two thousand dollars, transferred to each of the persons described in the second subdivision of section four, shall be exempt.

(4) Property of the clear value of one thousand dollars, transferred to each of the persons described in the third subdivision of section four, shall be exempt.

(5) Property of the clear value of five hundred dollars transferred to each of the persons and corporations described in the fourth subdivision of section four, shall be exempt.

(6) In computing the tax upon transfers subject to tax under the provisions of this act, the exemptions in this section allowed shall be deducted from the aggregate amount of property transferred, and the transfer of the remainder of the property after making such deduction shall be taxed at the rates at which it would have been taxed had no exemption whatever been allowed.

Time of payment.

SEC. 7. (1) All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; *provided*, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed

Interest.

Discount.

and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond for the payment of said tax, together with interest. Bond.

(2) The penalty of ten per cent per annum imposed by subdivision (1) of this section for the nonpayment of said tax, shall not be charged in cases where, in the judgment of the court, by reason of claims made upon the estate, necessary litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, can not be settled at the end of eighteen months from the death of the decedent; but in such cases seven per cent per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed, after which ten per cent interest per annum shall again be charged until the tax is paid; but litigation to defeat the payment of the tax shall not be considered necessary litigation. If estate not settled in eighteen months.

Sec. 8. (1) When any grant, gift, legacy, devise or succession upon which a tax is imposed by section two of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section sixteen or seventeen of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid. Immediate appraisement and payment.

(2) In estimating the value of any estate or interest in property, to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made on account of any contingent incumbrance thereon, nor on account of any contingency upon the happening of which the estate or property or some part thereof or interest therein might be abridged, defeated or diminished; *provided, however,* that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat or diminution of said estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax on account of the incumbrance when taking effect, or so much as will reduce the same to the amount which would have been assessed on account of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided by section eleven hereof upon order of the court having jurisdiction. Incumbrances.

Property
transferred
in trust.

(3) When property is transferred in trust or otherwise, and the rights, interest or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended, or abridged, a tax shall be imposed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred; *provided, however*, that on the happening of any contingency whereby the said property, or any part thereof, is transferred to a person or corporation exempt from taxation under the provisions of this act, or to any person taxable at a rate less than the rate imposed and paid, such person or corporation shall be entitled to a return of so much of the tax imposed and paid as the difference between the amount paid and the amount which said person or corporation should pay under the provisions of this act; such return of overpayment shall be made in the manner provided by section eleven of this act, upon order of the court having jurisdiction; *provided*, that the person or persons or body politic or corporate beneficially interested in the property chargeable with said tax or the trustees thereof may elect not to pay the same until such person or persons, or body politic or corporate beneficially interested in such property shall come into the actual possession or enjoyment thereof, and in that case such person or persons or body politic or corporate or trustees shall execute a bond to the people of the State of California in a penalty of twice the amount of said tax with such sureties as the said superior court may approve, conditioned for the payment of said tax and interest thereon at the rate of seven per cent per annum commencing at the expiration of eighteen months from the death of the decedent at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, and conditioned further, that if said bond be not renewed and the returns made as herein provided, the amount of said tax and interest thereon shall immediately become due and payable. Said bond shall be filed in the office of the county clerk of the proper county and a certified copy thereof shall be immediately transmitted to the state controller; *provided, further*, that such person or persons or body politic or corporate, or trustees, shall enter into such security within a period of ninety days after the entry of the order or decree fixing the inheritance tax charged against such transfer, or within such period thereafter as the court may in its discretion permit, and shall make a full and verified return of such property to said court and file the same in the office of the county clerk within one year from the date of such order or decree fixing tax, and at such times thereafter as the court on the application of the state controller may require, and renew such security every five years after the date of the approval thereof. Upon the approval of said bond as herein provided, said tax shall cease to be a lien upon the prop-

erty so transferred. If such security shall not be renewed before the expiration of each five-year period, said bond shall immediately become due and payable and if the same be not paid forthwith, the attorney general shall file an action in the name of the people of the state on the relation of the controller, to recover the same and the penalties thereunder and no demand for payment shall be necessary before the institution of such suit. Whenever it shall be made to appear to the satisfaction of the court that any surty on such bond or undertaking has for any reason become insufficient, the court may on motion of the state controller, after such notice to such person or persons, body politic or corporate, or trustees as the court may require, order the giving of a new undertaking with sufficient surties in lieu of such insufficient undertaking. In case such new undertaking so required shall not be given within the time required by such order, or in case the surties thereon fail to justify thereon when required, all rights obtained by the filing of such original undertaking, or subsequent undertaking, shall cease and the amount of said tax and interest thereon shall immediately become due and payable.

(4) Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation, upon which said estates in expectancy may have been limited. Estates in expectancy.

(5) Where an estate or interest can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of such divesting. If estate can be divested.

(6) The value of every future, or contingent or limited estate, income or interest, shall, for the purposes of this act be determined by the rule, methods and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interest and contingencies shall be five (5) per cent per annum. The insurance commissioner shall without a fee on the application of any superior court or of any inheritance tax appraiser determine the value of any future or contingent estate, income or interest therein limited, contingent, dependent or determinable upon the life or lives of persons in being, upon the facts contained in any such appraiser's application or other facts to him submitted by said appraiser or said court and certify the same in duplicate to such court or appraiser, and his certificate thereof shall be conclusive evidence that the method of computation therein is correct. When an annuity or a life estate is terminated by the Future or contingent estate.

death of the annuitant or life tenant, and the tax upon such interest has not been fixed and determined, the value of said interest for the purpose of taxation under this act shall be the amount of the annuity or income actually paid or payable to the annuitant or life tenant during the period for which such annuitant or life tenant was entitled to the annuity or was in possession of the life estate.

Collection
of tax by
administra-
tor, etc.

SEC. 9. (1) Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon, upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; but if it be not in money he shall make application to the superior court to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

Sale of
property to
pay tax.

(2) All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

Payment
within
thirty
days.

(3) Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the treasurer of the county in which the probate proceedings are pending.

Treasurer's
receipt.

SEC. 10. Upon the payment to any county treasurer of any tax due under this act, such treasurer shall issue a receipt therefor, in triplicate, one copy of which he shall deliver to the person paying said tax, and the original and one copy thereof he shall immediately send to the controller of state, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and said controller shall retain one of said receipts and the other he shall countersign and seal with the seal of his office, and immediately transmit to the clerk of the court fixing such tax. And an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless a receipt so sealed and countersigned by the controller, or a copy thereof, certified by him,

shall have been filed with the court. Any person shall, upon payment to the county treasurer of the sum of fifty cents, be entitled to a duplicate, or copy, of any receipt that may have been given by said treasurer for the payment of any tax under this act.

SEC. 11. (1) If any debts shall be proved against the estate of a decedent after the payment of any legacy or distributive share thereof, from which any such tax has been deducted or upon which it has been paid by the person entitled to such legacy or distributive share, and such person is required by order of the superior court having jurisdiction, on notice to the state controller, to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be repaid to him by the executor, administrator or trustee, if the tax has not been paid to the county treasurer; or if such tax has been paid to such county treasurer, such officer shall refund out of any inheritance tax moneys in his hands or custody such equitable proportion of the tax, and credit himself with the same in the account required to be rendered by him under this act.

Refund if debts proved after payment.

(2) Where it shall be proved to the satisfaction of the superior court that deductions for debts were allowed upon the appraisal, since proved to have been erroneously allowed, it shall be lawful for such superior court to enter an order assessing the tax upon the amount wrongfully or erroneously deducted.

Tax on amount erroneously allowed.

(3) If, after the payment of any tax in pursuance of an order fixing such tax, made by the superior court having jurisdiction, such order be modified or reversed by the superior court having jurisdiction within two years from and after the date of entry of the order fixing the tax, or be modified or reversed at any time on an appeal taken therefrom within the time allowed by law on due notice to the state controller, the county treasurer shall refund to the executor, administrator, trustee, person or persons by whom such tax was paid, the amount of any moneys paid or deposited on account of such tax in excess of the amount of tax fixed by the order modified or reversed, out of any inheritance tax moneys in his hands or custody, and credit himself with the same in the account required to be rendered by him to the controller on his semiannual settlement: but no application for such refund shall be made after one year from such reversal or modification, unless an appeal shall be taken therefrom, in which case no such application shall be made after one year from the final determination on such appeal or of an appeal taken therefrom, and the representatives of the estate, legatees, devisees or distributees entitled to any refund under this section shall not be entitled to any interest upon such refund, and the state controller shall deduct from the fees allowed by this act to the county treasurer the amount theretofore allowed him upon such overpayment.

If order is modified or reversed.

Order to
refund tax
erroneously
paid.

(4) When any amount of said tax shall have been erroneously paid, the superior court having jurisdiction, on application after notice to the state controller, and on satisfactory proof to it, shall by order require the county treasurer to refund and pay to the executor, administrator, trustee, person or persons who had paid any such tax in error the amount of such tax so erroneously paid; *provided*, that all applications for such repayment of such tax so erroneously paid shall be made within one year of the date of the entry of the order fixing tax or of the decree of final distribution of the estate. Such refund shall be made by said treasurer out of any inheritance tax moneys in his hands or custody and he shall credit himself with the same in the account required to be rendered by him to the controller on semiannual settlement; and the state controller shall deduct from the fees allowed by this act to the county treasurer the amount theretofore allowed him upon such erroneous payment.

Application
of section.

(5) This section, as amended, shall apply to appeals and proceedings now pending and taxes heretofore paid in relation to which the period of one year from such reversal or modification has not expired when this section, as amended, takes effect.

Examina-
tion of
books, etc.

SEC. 12. (1) Whenever the state controller shall have reasonable cause to believe that a tax is due under the provisions of this act, upon any transfer of any property, and that any person, firm, institution, company, association or corporation has possession, custody or control of any books, accounts, papers or documents relating to or evidencing such transfer, the state controller or inheritance tax attorney, or any assistant inheritance tax attorney of the inheritance tax department, is hereby authorized and empowered to inspect the books, records, accounts, papers and documents of any such person, firm, institution, company, association or corporation, including the stock transfer book of any corporation, for the purpose of acquiring any information deemed necessary or desirable by said state controller or such inheritance tax attorney or assistant inheritance tax attorneys, for the proper enforcement of this act, and for the collection of the full amount of tax which may be due the state hereunder. Any and all information acquired by said state controller or said inheritance tax attorney or assistant inheritance tax attorneys shall be deemed and held by said state controller and said inheritance tax attorney and assistant inheritance tax attorneys and each of them, as confidential, and shall not be divulged, disclosed or made known by them or any of them except in so far as may be necessary for the enforcement of the provisions of this act. Any controller or ex-controller, or inheritance tax attorney or ex-inheritance tax attorney, or assistant inheritance tax attorney or ex-assistant inheritance tax attorney, who shall divulge, disclose or make known any information acquired by such inspection and examination aforesaid, except in so far as the same may be necessary for the enforcement of the provisions of this act, shall be guilty

of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail for not more than ninety days, or both.

(2) Any officer or agent of any firm, institution, company, association or corporation having or keeping an office within this state, who has in his custody or under his control any book, record, account, paper or document of such firm, institution, company, association or corporation, and any person having in his custody or under his control such book, record, account, paper or document who refuses to give to the state controller, or said inheritance tax attorney, or any of said assistant inheritance tax attorneys, lawfully demanding, as provided in this section, during office hours to inspect or take a copy of the same, or any part thereof, for the purposes hereinabove provided, a reasonable opportunity so to do, shall be liable to a penalty of not less than one thousand dollars nor more than twenty thousand dollars, and in addition thereto shall be liable for the amount of the taxes, interest and penalties due under this act on such transfer, and the said penalties and liabilities for the violation of this section may be enforced in an action brought by the state controller in any court of competent jurisdiction.

Penalty for refusing to permit examination.

SEC. 13. (1) No corporation organized or existing under the laws of this state, shall transfer on its books or issue a new certificate for any share or shares of its capital stock belonging to or standing in the name of a decedent or in trust for a decedent or belonging to or standing in the joint names of a decedent and one or more persons, without the written consent of the state controller or person by him in writing authorized to issue such consent.

Consent of controller to transfer of decedent's stock.

(2) No safe deposit company, trust company, corporation, bank, or other institution, person or persons engaged in the business of renting safe deposit boxes or other receptacles of similar character shall rent any such box or receptacle without first requiring all persons given access thereto to agree in writing to notify such safe depositary, bailee, or lessor, from whom such box or receptacle is rented of the death of any person having the right of access thereto, before seeking access to such box or receptacle after the death of such person; and all persons having the right of access to any such safe deposit box or receptacle upon the death of any other person having access thereto, before seeking access to such box or receptacle must notify such safe depositary, bailee, or lessor, from whom such box or receptacle is rented of the death of such person; and it shall be unlawful for any safe deposit company, trust company, corporation, bank, or other institution, person or persons having in possession or under control, custody or partial custody any safe deposit box or similar receptacle, to permit access thereto by any one after the death of any person who at the time of his death had the right or privilege of access

Access to safe deposit boxes.

thereto either as principal, deputy, agent, or cotenant without the consent of the state controller or such person by him in writing authorized to issue such consent.

Bank, etc.
to retain
amount
to pay
tax.

(3) No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control or custody or under partial control or partial custody securities, deposits, assets or property belonging to or standing in the name of a decedent who was a resident or nonresident, or belonging to, or standing in the joint names of such a decedent and one or more persons, including the shares of the capital stock of, or other interest in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives, agents, deputies, attorneys, trustees, legatees, heirs, successors in interest of said decedent or to any other person or persons, or to the survivor or survivors when held in the joint names of a decedent and one or more persons, or upon their order or request, without retaining a sufficient portion or amount thereof to pay any tax and interest which may thereafter be assessed thereon under this act and unless notice of the time and place of such delivery or transfer be served upon the state controller and county treasurer at least ten days prior to said delivery or transfer; *provided*, that the state controller, or person by him in writing authorized so to do, may consent in writing to said delivery or transfer, and such consent shall relieve said safe deposit company, trust company, corporation, bank or other institution, person or persons from the obligation hereunder to give such notice or to retain any portion of said securities, deposits or other assets in their possession or control. And it shall be lawful for the state controller or county treasurer, personally or by representatives, to examine said securities, deposits or assets at the time of said delivery or otherwise.

Failure to
comply.

(4) Failure to comply with the provisions of this section shall render such safe deposit company, trust company, corporation, bank or other institution, person or persons, liable to a penalty of not more than twenty thousand dollars, and in addition thereto said safe deposit company, trust company, corporation, bank or other institution, person or persons shall be liable for the amount of the taxes, interest and penalties due under this act on said securities, deposits, or other assets above mentioned, and said penalties and liabilities of said safe deposit company, corporation, bank or other institution, person or persons for the violation of this section may be enforced in an action brought by the state controller in any court of competent jurisdiction.

Inheritance
tax
appraisers.

SEC. 14. The state controller shall appoint, and may at his pleasure remove, one or more persons in each county of the state to act as inheritance tax appraisers therein. Every such inheritance tax appraiser (in addition to any fees paid him as

appraiser under section one thousand four hundred forty-four of the Code of Civil Procedure) shall be paid for his services out of any inheritance tax moneys in the hands of the treasurer of the county in which he may be acting, a reasonable compensation, to be fixed by the superior court of said county, or a judge thereof, and, together with said compensation, said appraiser shall be allowed his actual and necessary traveling and other incidental expenses, and the fees paid such witnesses as he shall subpoena before him, said expenses and fees to be allowed by said superior court or a judge thereof; *provided*, that any claim for any such services or expenditure, must before payment, first receive the approval of the state controller; *and provided, further*, that in any probate proceeding in which the executor or administrator shall have failed to have had the inheritance tax appraiser act as one of the appraisers under section one thousand four hundred forty-four of the Code of Civil Procedure and to have paid him his fees therefor, the expense of making the inheritance tax appraisal in this act provided for shall be paid out of said estate, and the executor or administrator thereof shall be liable for said fee. Any such appraiser who shall take any fee or reward, other than such as may be allowed him by law, from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail ninety days or both, and in addition thereto the court shall dismiss him from such service.

Sec. 15. The superior court in the county in which is situate the real property of a decedent, who was not a resident of the state, or if there be no real property, then in the county in which any of the personal property of such nonresident is situate, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act; the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other; *provided*, that the superior court having acquired jurisdiction in probate of the estate of a decedent shall hear and determine in said probate proceedings all questions in relation to any tax arising under the provisions of this act: (a) Upon property passing in said probate proceedings. (b) Upon any other property transferred, within the meaning of subdivision three of section two or any other provisions of this act, to any person, institution or corporation taking any property under and by virtue of said probate proceedings.

Jurisdiction of superior court.

Sec. 16. (1) When any superior court, having jurisdiction in probate of the estate of any decedent, or a judge of such court, shall, in accordance with section one thousand four hundred forty-four of the Code of Civil Procedure, appoint the appraiser or appraisers in said section provided for, said

Appointment of inheritance tax appraisers in probate proceedings.

Powers.

superior court or judge thereof shall also at the same time designate and appoint an inheritance tax appraiser (unless such designation and appointment be previously made) to ascertain and report to said superior court the amount of inheritance tax due upon any property passing in said probate proceeding, or a lien thereon, or upon any other property transferred within the meaning of subdivision (3) of section two of this act, or under any other provision of this act, to any person, institution or corporation taking property under and by virtue of said probate proceedings, together with such other or additional information as shall assist said court in the determination of said tax. Thereupon said inheritance tax appraiser shall have all the powers of a referee of said superior court, and shall have jurisdiction to require the attendance before him of the executor or administrator of said estate, or any person interested therein, or any other person whom he may have reason to believe possesses knowledge of the estate of said decedent, or knowledge of any property transferred by said decedent within the meaning of this act, or knowledge of any facts that will aid said appraiser or the court in the determination of said tax. For the purpose of compelling the attendance of such person or persons before him, and for the purpose of appraising any property or interest subject to, or liable for any inheritance tax hereunder, and for the purpose of determining the amount of tax due thereon, the said inheritance tax appraiser is hereby authorized to issue subpoenas compelling the attendance of witnesses before him. Any person or persons who shall be served with a subpoena, issued by said inheritance tax appraiser, to appear and testify or to produce books and papers, and who shall refuse and neglect to appear and testify or to produce books and papers relevant to such appraisal, as commanded in such subpoena, shall be guilty of a contempt of court. And he may examine and take the evidence of such witnesses or of such executor or administrator, or other person under oath concerning such property and the value thereof, and concerning the property or the estate of such decedent subject to probate, and concerning any transfer made by such decedent within the meaning of this act. Upon the completion of his inheritance tax appraisal in any probate proceeding, the inheritance tax appraiser shall make a report in writing to the superior court of the clear market value of the several interests in the estate of the decedent, and shall report the amount of inheritance or transfer tax chargeable against, or a lien upon such interests, acquired by virtue of said probate proceedings or by any transfer within the meaning of this act, to any person, institution or corporation acquiring any property by virtue of said probate proceedings together with such other facts as may advise the court in regard thereto, or which the court may require, and may return to said superior court such depositions as he may have had reduced to writing, exhibits,

Report to
superior
court.

or other testimony or information taken before him, or submitted to him.

(2) Upon the filing of said report said appraiser shall mail a copy thereof to the state controller and the clerk of said superior court shall on said day or the next succeeding judicial day give notice of such filing to all persons interested in such proceedings by causing notices to be posted in at least three public places in the county, one of which must be the place where the court is held, and in addition thereto shall mail to the state controller and to all persons chargeable with any tax in said report who have appeared in such proceeding, a copy of said notice. At any time after the expiration of ten days thereafter, if no objection to said report be filed, the said superior court or a judge thereof, may, without further notice give and make its order confirming said report and fixing the tax in accordance therewith. At any time prior to the making of said order, any person interested in said proceeding (including the state controller) may file objections in writing to said report. Thereupon said superior court shall, by order, fix a time, not less than ten days thereafter, for the hearing thereof, and shall direct the clerk of said superior court to give such notice thereof as it shall deem necessary; *provided*, that a copy of such notice and of such objections shall be forthwith mailed to the state controller, county treasurer and inheritance tax appraiser. Upon the hearing of said objections, said court may make such order as to it may seem meet and proper in the premises.

(3) If, upon examination of the executor or administrator of said estate or other persons familiar with the affairs of such decedent, or from other information before him, it shall appear to the inheritance tax appraiser that there is no inheritance tax due out of said estate or a lien upon any property or interest therein, said appraiser may so certify to the superior court, and at any time thereafter, if no objection to said certificate shall have been filed, said superior court or a judge thereof may, without further notice, make an order or decree that there are no inheritance taxes due out of said estate or upon any interest therein or may make such different order as may to it seem meet in the premises. Such order shall be conclusive only as to such property as may have been returned in the inventory or inventory and appraisement in said probate proceedings.

Sec. 17. (1) If it shall appear to the superior court upon petition of the state controller that any transfer has been made within the meaning of this act, and the taxability thereof, and the liability for such tax and the amount thereof have not been determined, and that no proceedings are pending in any court in this state wherein the taxability of such transfer and the liability therefor, and the amount thereof may be determined, said court shall issue a citation ordering and directing the persons who may appear liable therefor or known to own any interest in or part of the property transferred, to appear

before said court or before an inheritance tax appraiser to be designated by said order at a time and place in said order named, not less than ten days nor more than one year from the date of such order, to be examined, under oath by said court or by said appraiser as the case may be, concerning said transfer and all facts connected therewith, and concerning the property transferred and the character and value thereof.

Examina-
tion by
appraiser.

If said person or persons shall be directed to appear before said appraiser said appraiser shall, at the time and place in said order named, or at such time and place to which said appraiser may adjourn said hearing, proceed to examine said person or persons and such witnesses as said appraiser may subpoena before him, and for the purpose of said hearing, and for the purpose of ascertaining any facts concerning the taxability of said transfer or any taxes due on account of such transfer, said appraiser shall have the powers of a referee of said court, and is hereby authorized to issue subpoenas compelling the attendance of witnesses before him, and to administer oath, and to take the evidence of such witnesses under oath concerning such property and the value thereof and concerning such transfer. Said appraiser shall report to said court his findings and conclusions in relation to said transfer and said tax, and may return to said court, any depositions, exhibits or other testimony or information taken before him or exhibited to him. The procedure subsequent to the filing of said report shall conform to subdivision (2) of section sixteen of this act.

Report.

Proceedings.

Except as herein otherwise provided, the service of such citation and the time, manner and proof thereof, and the hearing and determination thereon, and the hearing and determination upon the facts returned in such report, and the enforcement of the determination or decree, shall conform to the provisions of chapter twelve, title eleven, part three of the Code of Civil Procedure, and the clerk of the court shall, upon the request of the state controller, furnish, without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the county clerk of any county in the state, without fee, in the same manner and with the same effect as provided by section six hundred seventy-four of said Code of Civil Procedure for filing a transcript of an original docket.

Hearing
by court.

The superior court may hear the said cause upon the relation of the parties and the testimony of witnesses, and evidence produced in open court, and, if the court shall find said property is not subject to any tax, as herein provided, the court shall, by order, so determine; but if it shall appear that said property, or any part thereof, is subject to any such tax, the same shall be appraised and taxed as in other cases.

Petition to
determine
taxability.

(2) Verified petitions may be filed by any interested party with the superior court, alleging and admitting that a transfer within the meaning of this act has been made and the taxability thereof and the liability for such tax and the amount

thereof have not been determined, and that no proceedings are pending in any court in this state wherein the taxability of such transfer and the liability therefor and the amount thereof, may be determined, and that the petitioner desires such determination and desires to pay said tax, if any be due. Upon the filing of such petition the superior court or a judge thereof shall by order designate and appoint an inheritance tax appraiser to ascertain and report to said court the amount of the inheritance tax, if any, due by said petitioner on account of such transfer, and shall fix a time and place, not less than ten days thereafter, for the hearing of said matter before said inheritance tax appraiser, a copy of which petition and order shall be forthwith mailed to the state controller, and shall refer said petition and said matter to said inheritance tax appraiser who shall have all of the powers of a referee of said court, including the powers prescribed in subdivision (1) of section sixteen of this act. The procedure subsequent to said reference to said appraiser shall conform to the provisions of subdivisions (1) and (2) of section sixteen of this act.

In the event that final judgment is rendered in said proceeding, ascertaining and determining that no inheritance tax is due on account of said transfer or that the amount of the tax to which said transfer is liable, is less than twenty dollars the court shall, in addition to the amount of the tax, if any, include in such judgment and assess against the petitioner reasonable compensation for said inheritance tax appraiser, not exceeding the sum of ten dollars, and the necessary traveling and incidental expenses of said appraiser.

Compensation for appraiser.

(3) Actions may be brought against the state by any interested person for the purpose of quieting the title to any property against the lien or claim of lien of any tax or taxes under this act, or for the purpose of having it determined that any property is not subject to any lien for taxes nor chargeable with any tax under this act. No such action shall be maintained where any proceedings are pending in any court in this state wherein the taxability of such transfer and the liability therefor and the amount thereof may be determined. All parties interested in said transfer and in the taxability thereof shall be made parties thereto and any interested person who refuses to join as plaintiff therein may be made a defendant. Summons for the state in said action shall be served upon the state controller.

Action to quiet title.

At any time after issue is joined in such action the court, on its own motion, or upon the motion of any interested party, may by order appoint and designate an inheritance tax appraiser to hear said matter and report to the court thereon and shall in such order fix a time and place for the hearing of said matter before said inheritance tax appraiser, and direct notice of such time and place to be given in such manner as the court shall deem proper, and shall refer said matter to said inheritance tax appraiser who shall have all of the powers

Hearing by appraiser.

of a referee of said court, including the powers prescribed in subdivision (1) of section sixteen of this act. The procedure subsequent to said reference to said appraiser shall conform to the provisions of subdivisions (1) and (2) of section sixteen of this act.

Judgment
in favor
of state.

Should the court determine that the property described in the complaint is subject to the lien of said tax and that said property has been transferred within the meaning of this act, the court shall award affirmative relief to the state in said action, and judgment shall be rendered therein in favor of the state, ascertaining and determining the amount of said tax, and the person or persons liable therefor, and the property chargeable therewith or subject to lien therefor, and shall assess against such person or persons reasonable compensation for said inheritance tax appraiser and his necessary traveling and incidental expenses.

Place of
commencing
action.

(4) Actions under this section shall be commenced in the superior court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which title is sought to be quieted against any lien, or claim of lien; but if in said action no lien against real property is sought to be enforced, the action shall be brought in the superior court of the county which has or which had jurisdiction of the administration of the estate of the decedent mentioned herein.

No fees
to be
charged.

(5) No fee shall be charged said state controller by any public officer in this state for the filing or recording of any petition, lis pendens, decree or order, or for the taking of oaths or acknowledgments in any proceeding taken under this act; nor shall any undertaking be required from or costs charged against the state controller or the State of California in any such proceeding.

Orders have
force of
judgments.

SEC. 18. The orders, decrees and judgments fixing tax or determining that no tax is due, mentioned in this act, shall have the force and effect of judgments in civil actions. Except as otherwise herein provided, the provisions of the Code of Civil Procedure relative to judgments, new trials, appeals, attachments and execution of judgments, so far as applicable, shall govern all proceedings taken under this act. Nothing in this section shall preclude the state from relief herein provided for, which may be inconsistent with the provisions of the Code of Civil Procedure.

Taxes
paid
to state
treasurer.

SEC. 19. The treasurer of each county shall collect all taxes and moneys that may be due and payable under this act and pay the same to the state treasurer (excepting such moneys as he may pay out from time to time pursuant to the provisions of this act) and the state treasurer shall give him a receipt therefor; of which collection and payment he shall make a report, under oath, to the controller, between the first and fifteenth days of May and December of each year, stating for what estate paid, and in such form and containing such

particulars as the comptroller may prescribe; and for all such taxes collected by him and not paid to the state treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum.

SEC. 20. The treasurer of each county shall be allowed to retain, on all taxes paid and accounted for by him each year under this act, in addition to his salary or fees now allowed by law, three per centum of the first fifty thousand dollars so paid and accounted for by him, one and one-half per centum on the next fifty thousand dollars so paid and accounted for by him, and one-half of one per centum on all additional sums so paid and accounted for by him; *provided*, that no county treasurer shall be entitled to retain to his own use more than the sum of two hundred dollars out of the inheritance taxes paid on account of any transfer or transfers made by, or resulting from the death of, any one decedent; *provided*, that no portion of the moneys paid on account of inheritance taxes in any one case in excess of the sum entitling the treasurer to retain two hundred dollars for his own use shall be considered in computing his commissions in succeeding cases; and *provided, further*, that no county treasurer shall be entitled to retain as commissions more than five thousand dollars out of the total inheritance taxes accounted for by him in any one year.

Percentage retained by county treasurer.

SEC. 21. The state comptroller, whenever he shall be cited as a party in any proceeding or action to determine any tax under this act provided, or whenever he shall deem it necessary for the better enforcement of this act to make any special employment to secure evidence of evasion of said tax, or to commence or appear in any proceeding or action to determine any tax hereunder, may, by and with the consent and approval of the attorney general, make such special employment or designate and employ counsel or attorney in or out of this state to represent him on behalf of the state, and, by and with such consent of the attorney general, he is hereby authorized to incur the necessary expense for such employment and any reasonable and necessary expense incident thereto. And the county treasurer is hereby authorized and directed to pay out of any funds which may be in his hands on account of this tax, on presentation of a sworn itemized account and on certificate of the state comptroller and attorney general, all expenses incurred as in this section above provided, but no expense for such special employment or legal services, up to and including the entry of the order of the court fixing the tax and the same becoming final, shall exceed ten per centum of the tax and penalties collected; *provided*, that all reasonable and necessary expenses incurred, in any legal action or proceeding in any court of this state or on any appeal therefrom, other than attorney's fees, including expense of serving processes and printing and preparing of necessary legal papers, may be allowed and paid in the manner above provided, even though no tax be recovered in such action or pro-

State comptroller may employ counsel.

ceeding, and the limitations herein made shall not apply thereto.

Disposition
of taxes.

SEC. 22. All taxes levied and collected under this act, up to the amount of two hundred fifty thousand dollars annually, shall be paid into the treasury of the state, for the uses of the state school fund, and all taxes levied and collected in excess of two hundred fifty thousand dollars annually shall be paid into the state treasury to the credit of the general fund thereof.

Penalty for
failure to
perform
duty.

SEC. 23. Every officer who fails or refuses to perform, within a reasonable time, any and every duty required by the provisions of this act, or who fails or refuses to make and deliver within a reasonable time any statement or record required by this act, shall forfeit to the State of California the sum of one thousand dollars, to be recovered in an action brought by the attorney general in the name of the people of the state on the relation of the controller.

Constitution-
ality.

SEC. 24. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Stats. 1917,
p. 880,
repealed.

SEC. 25. An act entitled "An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed, to be known as the 'inheritance tax act'; and to repeal chapter five hundred ninety-five of the laws of the session of the legislature of California of 1913, approved June 16, 1913, known as the 'inheritance tax act,' and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act," approved May 23, 1917, and all acts and parts of acts in conflict with this act are hereby expressly repealed; *provided, however*, that such repeal shall in nowise affect any suit, prosecution or proceeding pending at the time this act shall take effect, or any right which the State of California may have at the time of the taking effect of this act, to claim a tax upon any property under the provisions of the act or acts hereby repealed, for which no proceeding has been commenced, and where no proceeding has been commenced, to collect any tax arising under any act hereby repealed the procedure to collect such tax shall conform to the provisions hereof; nor shall such repeal affect any appeal, right of appeal in any suit pending, or orders fixing tax, existing in this state at the time of the taking effect of this act.

Pending
suits.

CHAPTER 822.

An act creating an irrigation and water conservation district to be known as Santa Clara county irrigation district, subject to the approval of the electors residing in said district; providing for an election to determine whether said district shall be organized; providing for the election of a board of trustees and the management and control of said district by said board of trustees and defining the powers and duties of said board; authorizing said district to acquire water rights, to acquire and hold property, to sue and be sued and to have and exercise all rights and powers of a public corporation; providing for the levy and collection of assessments; and providing for the issuance and payment of bonds.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The State of California and the people thereof are hereby declared to have a primary and supreme interest in the conservation of the waters of the Santa Clara valley and the watersheds tributary thereto, to the end that the same may be used for the full, proper and economical irrigation of the lands of Santa Clara valley. Investigation having shown conditions in Santa Clara valley to be peculiar to that valley, it is hereby declared that a general law can not be made applicable thereto and that the enactment of this special law is necessary for the conservation and development of said waters for the public good.

Interest of state in conservation of Santa Clara valley waters.

SEC. 2. There is hereby created, subject to the approval of the voters of said district as hereinafter provided, a water conservation and irrigation district, to be known and designated as "Santa Clara county irrigation district," hereinafter in this act referred to as "district," the boundaries of which said district are as follows:

Santa Clara county irrigation district.

Beginning at the intersection of the center line of the state highway with the north line of Santa Clara county at San Francisquito creek, thence following the center line of said highway southeasterly to the west line of the incorporated limits of the town of Mayfield; thence southwesterly to the southwest corner of the said limits of the town of Mayfield; thence following southeasterly along the southerly boundary of the said town of Mayfield and a prolongation of the same to an intersection with the easterly line of the right of way of the Peninsular Railroad; thence following the easterly boundary of the right of way of said railway to Vasona junction at a point intersecting the prolonged center line of Walker avenue in Walker tract subdivision; thence following the center line of Walker avenue to the center line of the Santa Clara and Los Gatos road; thence in a direct line southeasterly

Boundaries.

Boundaries. to the center of section fourteen, township eight south, range one west, Mount Diablo base and meridian; thence in a direct line southeasterly to the southeast corner of section thirteen, township eight south, range one west, Mount Diablo base and meridian; thence in a direct line southeasterly to a point two miles east and one and one-half ($1\frac{1}{2}$) miles south of the afore-said southeast corner of said section thirteen; thence east one mile; thence southeasterly to the junction of the center lines of the Almaden and McKean roads; thence following the center line of McKean road easterly to an intersection with the center line of a road on the west line of lot twenty-five of the Martin Clayton, Chase and Shillingsburg subdivision; thence along the said road to the northeast corner of lot twenty-two and the northerly line of lots twenty-one, twenty-two, and twenty of said subdivision to Harry road; thence along the northerly boundary of said subdivision to the northwest corner of lot thirty; thence in a direct line northwesterly to the point of intersection of the westerly line of the right of way of the Edenvale-Almaden branch of the Southern Pacific Railroad and the center line of Alamitos creek; thence following the westerly line of said Southern Pacific Railroad right of way northwesterly to a point thirty-five chains southerly along said right of way from the center line of Downer avenue; thence in a direct line southeasterly to the center line of Snell road at a point one hundred thirty-five chains south of center line of Downer avenue; thence east one hundred fifty-five chains; thence south forty-six degrees east eighty-five chains; thence easterly one hundred twenty chains more or less to a point on the easterly line of four hundred ten acre tract marked on the Santa Clara county map, dated December 1, 1914, as belonging to the Bay Cities Water Company; thence southeasterly along easterly line of said property approximately parallel to the Southern Pacific Railroad one hundred chains to the center line of Bailey avenue; thence in a direct line southerly ninety-nine chains more or less to the southwest corner of a thirty-acre strip of land shown upon the map of Santa Clara county dated December 1, 1914, as belonging to the San Jose Water Company; thence in a direct line to the southwest corner of Murphy Colombet subdivision number two; thence following the southerly boundary of the Murphy Colombet subdivisions numbers two and three and Dougherty and Randol subdivision to the southeast corner of lot twenty-six of the last named subdivision; thence in a direct line southeasterly to the northeast corner of lot eight of Morgan Hill ranch number three; thence along the easterly line of said lot eight to the center line of Llagas avenue; thence southwestwardly along Llagas avenue to an intersection with the center line of Hale avenue; thence southeasterly along Hale avenue to an intersection with the center line of Main avenue; thence northeasterly along Main avenue to the easterly line and along the said easterly line of lots eighty-five to ninety, Morgan Hill ranch number three; to the center line of Dunne

avenue; thence southwesterly along Dunne avenue to the westerly line of lot one of Dunne ranch number three; thence southeasterly along the westerly line of lots one, two and three, Dunne ranch number three to center line of Spring avenue; thence southwesterly to northwest corner, lot nineteen and southeasterly along westerly line of lots nineteen, sixteen, fifteen, fourteen and thirteen, of Dunne ranch number three to center line of Edmondson avenue; thence southwesterly along Edmondson avenue to line between lots fifty-nine and sixty, southeasterly between said lots fifty-nine and sixty and southwesterly along easterly line of said lot sixty, all in Dunne ranch number three to the westerly line of the Smith tract; thence along the westerly line of the Smith tract to the southeast corner of the same at the center line of the Watsonville road; thence southwesterly along the Watsonville road to the line between lots eight and nine Machado tract; thence northwesterly on line between lots eight, nine, fifteen and sixteen to a point midway of the length of said lot fifteen; thence southwesterly parallel to the westerly line of lots fifteen, fourteen, and thirteen, Machado tract, to center line of Llagas creek; thence following the center line of Llagas creek up stream to the northeast corner of lot nineteen, Dunne ranch number two; thence along the easterly line to the southwest corner of said lot nineteen; thence in a direct line to the southeast corner of lot one, Dunne ranch number two, on the westerly line of Machado tract; thence northeasterly and southeasterly along the westerly line of lot forty-four and southerly line of lot forty-five, Machado tract, to center line of Sycamore avenue; thence along Sycamore avenue to center line of Llagas creek; thence following the center line of Llagas creek down stream to the center line of the state highway; thence south forty-eight and one-half degrees west, sixty-five chains; thence in a direct line southeasterly to the southwest corner of lot two, Murphy subdivision; thence in a direct line to the center line of Day road on east line of Phelps tract; thence along Day road to intersection with center line Morey avenue; thence along Morey avenue southerly ninety-two chains more or less to the northerly line of the H. Miller subdivision; thence easterly along the northerly line of said H. Miller subdivision and its prolongation to center of state highway; thence southeasterly along state highway to intersection center line of Leavesley road; thence easterly along center line of Leavesley road to intersection center line of New avenue; thence northwesterly along New avenue to intersection center lines of New avenue and Church road; thence in a direct line to the intersection of the center line of San Martin avenue and east line of lot two hundred thirty-three, San Martin ranch; thence along the east line of lots two hundred thirty-three to two hundred twenty-seven to the center line of Middle avenue; thence in a direct line to intersection of center lines of Middle avenue and Foothill road; thence along Foothill road to intersection of center line of roads at

Boundaries.

Boundaries. northwest corner of lot one hundred eighty-one, Dunne ranch number seven; thence in a direct line northwesterly to intersection center lines of Dunne avenue and Hill road; thence along Hill road to Main avenue and the line between lots seven and eight, Morgan Hill ranch number one to the west line of said ranch; thence along the easterly and northerly boundaries of the Peet subdivision to the center line of Cochran road; thence along the center line of Cochran road easterly to intersection with center line of Coyote road; thence in a direct line northwesterly to an intersection with the center line of Ogier avenue prolonged at a point seventy chains distant from the center line of the state highway; thence in a direct line northwesterly to an intersection with the center line of Bailey avenue prolonged at a point forty chains distant from the center line of the state highway; thence in a direct line northwesterly to a point located one hundred sixty chains southwesterly from the center line intersection of Evergreen and White roads prolonged over the intersection of center lines of Silver creek and Silver creek road; thence northeasterly in a direct line to the intersection of center lines of Evergreen and White roads; thence in a direct line to center line of intersection of Norwood and Flint avenues; thence along Flint avenue to center line of Marten avenue at northwest corner of Marten subdivision; thence easterly along Marten avenue on northerly line of Marten subdivision to center of Mount Pleasant road; thence along Mount Pleasant road to Story road; thence along Story road to Fleming road; thence along Fleming road to Alum Rock avenue; thence along Alum Rock avenue northerly to intersection center line of McKee road (or Gordon avenue); thence in a direct line northwesterly to the intersection of Milpitas lane and Piedmont road; thence along Piedmont road to Calaveras road; thence in a direct line to an intersection with the north line of Santa Clara county at a point forty chains northeasterly along said line from the center line of the San Jose-Oakland state highway; thence southwesterly along the north line of Santa Clara county to the center line of Coyote creek; thence up the center line of Coyote creek to the line between townships five and six south, range one west, Mount Diablo base and meridian, which said township line at this point is on the northerly boundary of the rancho Rincon de los Steros; thence successively westerly southwesterly, northwesterly, southwesterly, northwesterly and southerly along said northerly boundary of said rancho Rincon de los Steros to an intersection with the center line of Guadalupe river near the town of Alviso; thence down the center line of said Guadalupe river to its confluence with the center line of Campbell creek; thence up the center line of said Campbell creek to the south boundary line of section nine, township six south, range one west, Mount Diablo base and meridian; thence west along the south boundary lines of sections nine and eight, township six south, range one west, to

the northerly boundary line of the rancho Pastoria de los Borregas; thence northwesterly along said northerly boundary line of said rancho Pastoria de los Borregas to the southeasterly boundary line of the Ynigo rancho; thence northeasterly along said southeasterly boundary of said Ynigo rancho to the northeast corner thereof; thence westerly along the northerly boundary of said Ynigo rancho to the northwest corner thereof; thence southwestwesterly along the northwesterly boundary line of said Ynigo rancho to an intersection with the east and west center line through section eleven, township six south, range two west, Mount Diablo base and meridian; thence west along said east and west center line to the line between sections ten and eleven, township six south, range two west, Mount Diablo base and meridian; thence north along said line between sections ten and eleven, twenty (20) chains; thence west to the southeasterly boundary line of the rancho Rincon de San Francisquito; thence northwesterly in a direct line to the northeast corner of the tract of two hundred ten acres marked on Santa Clara county map dated December 1, 1914, as belonging to John and Josephine Charleston; thence northwesterly along the northerly line of said tract of two hundred ten acres to the northwest corner thereof; thence northwesterly in a direct line to the southeast corner of the rancho Rinconada del Arroyo de San Francisquito; thence northerly along the easterly boundary of said rancho Rinconada del Arroyo de San Francisquito to the northerly boundary of Santa Clara county at San Francisquito creek; thence westerly along said northerly boundary line of Santa Clara county to the point of beginning.

SEC. 3. Said district is hereby divided into six divisions, numbered and bounded as follows:

Division 1. Beginning on the easterly line of lot eight at its intersection with line between lots three and four, Morgan Hill ranch number three, thence along the easterly line of said lot eight to the center line of Llagas avenue; thence southwestwesterly along Llagas avenue to an intersection with the center line of Hale avenue; thence southeasterly along Hale avenue to an intersection with the center line of Main avenue; thence northeasterly along Main avenue to the easterly line and along the said easterly line of lots eighty-five to ninety Morgan Hill ranch number three, to the center line of Dunne avenue; thence southwestwesterly along Dunne avenue to the westerly line of lot one of Dunne ranch number three; thence southeasterly along the westerly line of lots one, and two and three, Dunne ranch number three to center line of Spring avenue; thence southwestwesterly to southwest corner lot nineteen and southeasterly along westerly line of lots nineteen, sixteen and fifteen, fourteen and thirteen of Dunne ranch number three to center line of Edmundson avenue; thence southwestwesterly along Edmundson avenue to line between lots fifty-nine and sixty, southeasterly between said lots fifty-nine and sixty and southwestwesterly along easterly line of said lot sixty all in Dunne

Division 1.

ranch number three to the westerly line of the Smith tract; thence along the westerly line of the Smith tract to the southeast corner of the same at the center line of the Watsonville road; thence southwesterly along the Watsonville road to the line between lots eight and nine, Machado tract; thence northwesterly on line between lots eight, nine, fifteen and sixteen to a point midway of the length of said lot fifteen; thence southwesterly parallel to the westerly line of lots fifteen, fourteen, and thirteen, Machado tract, to center line of Llagas creek; thence following the center line of Llagas creek up stream to the northeast corner of lot nineteen, Dunne ranch number two; thence along the easterly line to the southwest corner of said lot nineteen; thence in a direct line to the southeast corner of lot one, Dunne ranch number two, on the westerly line of Machado tract; thence northeasterly and southeasterly along the westerly line of lot forty-four and southerly line of lot forty-five, Machado tract, to center line of Sycamore avenue; thence along Sycamore avenue to center line of Llagas creek; thence following the center line of Llagas creek downstream to the center line of the state highway; thence south forty-eight one-half degrees west sixty-five chains; thence in a direct line southeasterly to the southwest corner of lot two, Murphy subdivision; thence in a direct line to the center line of Day road on east line of Phelps tract; thence along Day road to intersection with center line Morey avenue; thence along Morey avenue southerly ninety-two chains more or less to the northerly line of the H. Miller subdivision; thence easterly along the northerly line of said H. Miller subdivision and its prolongation to center of state highway; thence southeasterly along state highway to intersection center line of Leavesley road; thence easterly along center line of Leavesley road to intersection center line of New avenue; thence northwesterly along New avenue to intersection center lines of New avenue and Church road; thence in a direct line to the intersection of the center line of San Martin avenue; and east line of lot two hundred thirty-three, San Martin ranch; thence along the east line of lots two hundred thirty-three to two hundred twenty-seven to the center line of Middle avenue; thence in a direct line to intersection of center lines of Middle avenue and Foothill road; thence along Foothill road to intersection of center line of roads at northwest corner of lot one hundred eighty-one, Dunne ranch number seven; thence in a direct line northwesterly to intersection center lines of Dunne avenue and Hill road; thence along Hill road to Main avenue and the line between lots seven and eight, Morgan Hill ranch number one to the west line of said ranch; thence along the easterly and northerly boundaries of the Peet subdivision to the center line of Cochran road; thence southwesterly along Cochran road and between lots three and four Morgan Hill ranch number three to point of beginning.

Division 2

Division 2. Beginning at intersection of Cochran road and Coyote road, thence in a direct line northwesterly to an inter-

section with the center line of Ogier avenue prolonged at a point seventy chains distant from the center line of the state highway; thence in a direct line northwesterly to an intersection with the center line of Bailey avenue prolonged at a point forty chains distant from the center line of the state highway; thence in a direct line northwesterly to a point located one hundred sixty chains southwesterly from the center line intersection of Evergreen and White roads prolonged over the intersection of center lines of Silver creek and Silver creek road; thence northeasterly in a direct line to the intersection of center lines of Evergreen and White roads thirty chains; thence in a direct line northwesterly to the center line intersection of Loup avenue and Tuers road; thence along Tuers road to the northerly line of property marked on Santa Clara county map dated December 1, 1914, as belonging to J. W. Clinton and J. D. Phelan; thence along the northerly line of said property and the northerly line of the Fillmore tract to the westerly line of the Amos White partition; thence along the westerly line of said Amos White partition to center line of Story road; thence northeasterly along Story road to center line Jackson road; thence northwesterly along Jackson road to McKee road; thence along the easterly line of property marked on Santa Clara county map dated December 1, 1914, as belonging to M. Overfelt, Peter Gross, J. D. Ferreira, David Hobson, J. H. Flickinger Company, and the westerly line of Machado and Rodriguez to Hostetler road; thence along Hostetler road and the southerly and westerly boundaries of the Platt Gregory subdivision to the northwest corner and thence to the northeast corner of said subdivision at Capitol avenue; thence northwesterly along Capitol avenue to intersection with the westerly line of right of way of Southern Pacific Railroad; thence northwesterly along said right of way to north line of Santa Clara county; thence southwesterly along said northerly line of said Santa Clara county to the center line of Coyote creek; thence up the center line of Coyote creek to the line between townships five and six south, range one west, Mount Diablo base and meridian, which said township line at this point is on the northerly boundary line of the rancho Rincon de los Steros; thence successively westerly, southwesterly, northwesterly and southwesterly along said northerly boundary of said rancho to an intersection with the center line of the San Jose and Alviso road; thence southeasterly along the San Jose-Alviso road, First street in the city of San Jose and Monterey road to center line of Almaden road; thence southwesterly along Almaden road to center line of Stone avenue prolonged northerly; thence along Stone avenue, and its prolongation northerly to south line and westerly to southwest corner of lot eighteen of Stone subdivision; thence along the westerly line of property marked on Santa Clara county map dated December 1, 1914, as belonging to Joseph Barba, Eliz Kohrs and Warren Cottle, and along the

Division 2.

easterly boundary of the J. M. Ogan subdivision to the north line of the property marked on the map of Santa Clara county dated December 1, 1914, as belonging to Tim Cooney; thence along the north and east sides of said property to Downer avenue; thence southerly along Blossom avenue to an intersection with a direct line from a point thirty-five chains southerly from the center line of Downer avenue along the westerly line of the Edenvale-Almaden branch of the Southern Pacific Railroad to an intersection with the center line of Snell road at a point one hundred thirty-five chains south of the center line of Downer avenue; thence in a direct line southeasterly to the center line of Snell road; thence east one hundred fifty-five chains; thence south forty-six degrees east eighty-five chains; thence easterly one hundred twenty chains more or less to a point on the easterly line four hundred ten acre tract marked on the Santa Clara county map, dated December 1, 1914, as belonging to the Bay Cities Water Company; thence southeasterly along easterly line of said property approximately parallel to the Southern Pacific Railroad one hundred chains to the center line of Bailey avenue; thence in a direct line southerly ninety-nine chains more or less to the southwest corner of a thirty-acre strip of land shown upon the map of Santa Clara county dated December 1, 1914, as belonging to the San Jose Water Company; thence in a direct line to the southwest corner of Murphy Colombet subdivision number two; thence following the southerly boundary of the Murphy Colombet subdivisions numbers two and three and Dougherty and Randol subdivision to the southeast corner of lot twenty-six of the last named subdivision; thence in a direct line southeasterly to the northeast corner of lot eight of Morgan Hill ranch number 3; thence along the easterly line of said lot eight to the line between lots three and four of Morgan Hill ranch number three; thence easterly between said lots three and four to the state highway; thence along Cochran avenue to point of beginning.

Division 3.

Division 3. Beginning at the intersection of center lines of Milpitas lane and Piedmont road, thence southwesterly along Milpitas lane to Capitol avenue; thence along the westerly and southerly boundaries of the Platt Gregory subdivision to Hostetter road; thence along Hostetter road and the westerly line of properties marked on Santa Clara county map dated December 1, 1914, as belonging to Rodriguez and Machado and easterly line of J. H. Flickenger Company, David Hobson, J. D. Ferreira, Peter Gross and M. Overfelt, to McKee road; thence along Jackson road to Story road; thence southwesterly along Story road to southwest corner of Amos White partition; thence along westerly line of Amos White partition to the northerly line of the Fillmore tract; thence following the northerly line of the Fillmore tract and of property marked on map of Santa Clara county dated December 1, 1914, as belonging to J. D. Phelan and J. W. Clinton to center line Tuers road; thence along Tuers road

to center line Loup avenue; thence in a direct line southeasterly to a point on a direct line prolonged from the intersection of center lines of Evergreen and White roads through the intersection of center lines of Silver creek and Silver creek road; thence northeasterly in a direct line one hundred thirty chains to the intersection of center lines of Evergreen and White roads; thence in a direct line to center line intersection of Norwood and Flint avenues; thence along Flint avenue to center line of Marten avenue at northwest corner of Marten subdivision; thence easterly along Marten avenue on northerly line of Marten subdivision to center of Mount Pleasant road; thence along Mount Pleasant road to Story road; thence along Story road to Fleming road; thence along Fleming road to Alum Rock avenue; thence along Alum Rock avenue northerly to intersection center line of McKee road (or Gordon avenue) thence in a direct line northwesterly to the intersection of Milpitas lane and Piedmont road, the point of beginning.

Division 4. Beginning at intersection of center lines of Milpitas lane and Piedmont road; thence along Piedmont road to Calaveras road; thence in a direct line to an intersection with the north line of Santa Clara county at a point forty chains northeasterly along said line from the center line of the San Jose-Oakland state highway; thence southwesterly along the north line of Santa Clara county to the westerly line of right of way of the Southern Pacific Railroad; thence along said right of way southerly to an intersection with the center line of Capitol avenue; thence southwesterly along Capitol avenue to center line of Milpitas lane; thence northeasterly along Milpitas lane to point of beginning.

Division 5. Beginning at the intersection of the center line of Coloff road prolonged with the easterly line of right of way of the Peninsular Railroad, thence following the easterly boundary of the right of way of said railway to Vasona junction at a point intersecting the prolonged center line of Walker avenue in Walker tract subdivision; thence following the center line of Walker avenue to the center line of the Santa Clara and Los Gatos road; thence in a direct line southeasterly to the center of section fourteen, township eight south, range one west, Mount Diablo base and meridian; thence in a direct line southeasterly to the southeast corner of section thirteen, township eight south, range one west, Mount Diablo base and meridian; thence in a direct line southeasterly to a point two miles east and one and one-half ($1\frac{1}{2}$) miles south of the aforesaid southeast corner of said section thirteen; thence east one mile; thence southeasterly to the junction of the center lines of the Almaden and McKean roads; thence following the center line of McKean road easterly to an intersection with the center line of a road on the west line of lot twenty-five of the Martin, Clayton, Chase and Shillinsburg subdivision; thence along said road to the north-

Division 5. east corner of lot twenty-two and the northerly line of lots twenty-two, twenty-one and twenty of said subdivision to Harry road; thence along the northerly boundary of said subdivision to the northwest corner of lot thirty; thence in a direct line northwesterly to the point of intersection of the westerly line of the right of way of the Edenvale Almaden branch of the Southern Pacific Railroad and the center line of Alamitos creek; thence following the westerly line of said Southern Pacific Railroad right of way northwesterly to a point thirty-five chains southerly along said right of way from the center line of Downer avenue; thence on a direct line southeasterly to the intersection of the center line of Blossom avenue prolonged, said line when prolonged intersecting the center line of Snell road at a point one hundred thirty-five chains south of the center line of Downer avenue; thence north along Blossom avenue in its prolongation along the east line to the north line and thence along the north line of the property, marked on the Santa Clara county map dated December 1, 1914, as belonging to Tim Cooney, to the east line of the J. M. Ogan subdivision; thence along the westerly line of property marked on Santa Clara county map dated December 1, 1914, as belonging to Warren Cottle, Eliz. Kohrs and Joseph Barbra to the southwest corner of lot eighteen of Stone division; thence easterly to center line of Stone avenue; thence northwesterly along Stone avenue prolonged to center line of Almaden road; thence along Almaden road to center line Monterey road; thence along Monterey road First street in the city of San Jose and the San Jose-Alviso road to the northerly boundary line of rancho Rincon de los Steros; thence along said northerly boundary line of said rancho Rincon de los Steros to an intersection with the center line of Guadalupe river near the town of Alviso; thence down the center line of said Guadalupe river to its confluence with the center line of Campbell creek; thence up the center line of said Campbell creek to the south boundary line of section nine, township six south, range one west, Mount Diablo base and meridian; thence west along the south boundary lines of sections nine and eight, township six south, range one west, to the northerly boundary line of the rancho Pastoria de las Borregas; thence northwesterly along said northerly boundary line of said rancho Pastoria de las Borregas to the southeasterly boundary of the Ynigo rancho; thence northeasterly along said southeasterly boundary of said Ynigo rancho to the northeast corner thereof; thence westerly along the northerly boundary of said Ynigo rancho to the northwest corner thereof; thence southwestwardly along the northwesterly boundary line of said Ynigo rancho to an intersection with the east and west center line through section eleven, township six south, range two west, Mount Diablo base and meridian; thence west along said east and west center line to the line between section ten, township six south, range two west, Mount Diablo base and meridian;

thence north along said line between sections ten and eleven, twenty (20) chains; thence west to the southeasterly boundary line of the rancho Rincon de San Francisquito; thence northwesterly in a direct line to the northwest corner of the tract of one hundred acres, marked on the Santa Clara county map, dated December 1, 1914, as belonging to M. J. Scarpa; thence following southerly along the west property lines of the property marked on said map as belonging to M. J. Scarpa and H. Rengstorff to the westerly line of the Alsip subdivision at the northwest corner of lot ten in said subdivision; thence southerly along the west line of said subdivision to the northerly boundary line of the right of way of the Southern Pacific Railroad; thence southeasterly along the said right of way to the center line of Calderon avenue; thence southerly along Calderon avenue to the center line of the state highway; thence northwesterly along said state highway to the center line of Jordan avenue; thence southwestwardly along said Jordan avenue to the center line of San Antonio avenue; thence southerly along said San Antonio avenue to the center line of Coloff road; thence westerly along said Coloff road and its prolongation westerly to the point of beginning.

Division 6.
 Division 6. Beginning at the intersection of the center line of the state highway with the north line of Santa Clara county at San Francisquito creek thence following the center line of said highway southeasterly to the west line of the incorporated limits of the town of Mayfield; thence southwestwardly to the southwest corner of the said limits of the town of Mayfield; thence following southeasterly along the southerly boundary of the said town of Mayfield and a prolongation of the same to an intersection with the easterly line of the right of way of the Peninsular railroad; thence following the easterly boundary of right of way of said railway to an intersection with the prolongation of center line of Coloff road; thence along Coloff road to center line San Antonio avenue; thence along San Antonio avenue to center line of Jordan avenue; thence along Jordan avenue to center line of state highway; thence along state highway to center line Calderon avenue; thence along Calderon avenue to northerly boundary right of way of Southern Pacific railroad; thence northwesterly along the said right of way to the westerly line of the Alsip subdivision; thence northerly along the west line of the Alsip subdivision to the northwest corner of lot ten of the same; thence following northerly along the west property lines of the property marked on the Santa Clara county map, dated December 1, 1914, as belonging to H. Rengstorff and M. J. Scarpa to the northwest corner of the property of said M. J. Scarpa; thence northwesterly along the northerly boundary line of the tract of two hundred ten acres marked on the Santa Clara county map, dated December 1, 1914, as belonging to John and Josephine Charleston to the northwest corner thereof; thence northwesterly in a direct line to the southeast corner of the rancho Rinconada del Arroyo de San Francis-

quito; thence northerly along the easterly boundary line of said rancho to the northerly boundary of Santa Clara county at San Francisquito creek; thence westerly along said northerly boundary line of said Santa Clara county to the point of beginning.

Election on
organizing
district.

SEC. 4. The board of supervisors of Santa Clara county within thirty days after the ninetieth day after the final adjournment of the forty-fourth session of the legislature of California, shall give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries herein established, and shall be published for at least three weeks previous to such election, in a newspaper published within the proposed district. Such notice shall require the electors to cast ballots, which shall contain the words "Irrigation district—Yes," or "Irrigation district—No," or words equivalent thereto, and also the names of persons to be voted for at said election. For the purposes of said election the board of supervisors must establish a convenient number of election precincts in said proposed district, and define the boundaries of the same. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, but no particular form of ballot shall be required.

Election of
board of
directors.

SEC. 5. At such election there shall be elected as nearly as practicable in the manner hereinafter provided for general elections, a board of directors consisting of seven members, one to be elected by the electors of the first division, two to be elected by the electors of the second division, one to be elected by the electors of the third and fourth divisions together, two to be elected by the electors of the fifth division, and one to be elected by the electors of the sixth division.

Qualifica-
tions of
electors.

SEC. 6. No person shall be entitled to vote at any election held under the provisions of this act unless he possesses all the qualifications required of electors under the general election laws of the state.

Canvass.

SEC. 7. The board of supervisors shall meet on the Monday succeeding such election and shall proceed to canvass the votes cast thereat, and shall cause to be entered on its minutes the result of the canvass. If, upon such canvass it appears that a majority of all the votes cast are "Irrigation district—Yes," the said territory shall be duly organized as the Santa Clara county irrigation district and all provisions of this act shall be in full force and effect. If it appears upon such canvass that a majority of all votes cast are "Irrigation district—No," this act shall have no further force or effect.

Majority
vote

The board of supervisors, upon completion of said canvass by order entered in its minutes shall declare the persons receiving respectively the highest number of votes at said election in the first and sixth divisions, respectively, the person receiving the highest number of votes in the third and fourth divisions together, and the persons receiving the highest

and the second highest vote in the second and fifth divisions, respectively, to be duly elected as directors.

SEC. 8. Such election, on organization, may be contested ^{Contest of election.} by any person owning property within the proposed district liable to assessment. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of Santa Clara county; *provided*, that if more than one contest be pending they shall be consolidated and tried together. The court shall speedily try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result by the board of supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

SEC. 9. The officers elected at the election hereinbefore ^{Officers take office immediately.} provided for shall immediately enter upon their duties as such, upon qualifying in the manner for such officers herein provided. Said officers shall hold office respectively until their successors are elected and qualified.

SEC. 10. The directors, on the first Tuesday after their election, after they shall have qualified, shall meet and classify themselves by lot into two classes of three and four members respectively, and the term of office of the class having four members shall expire at the next general February election in this act provided for; and the term of office of the class having three members shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors. ^{Term of directors.}

SEC. 11. The board of directors shall hold a regular meeting ^{Meeting:} on the first Tuesday of each month at the place selected as the office of the board; *provided*, that the board may, by resolution duly entered upon its minutes, fix any other time as the time for its regular monthly meeting, but no change in the time of holding regular meetings of the board shall be made until after the resolution proposing such change has been published once a week for two successive weeks in a newspaper published in the district. Such special meetings of the board of directors may be held as may be required for the proper transaction of the business of the district, but a special meeting must be ordered by a majority of the board. The order must be entered of record, and five days' notice thereof must by the secretary be given to each director not joining in the

order. The order must specify the business to be transacted, and no other business than that specified in the order may be transacted at such special meeting, unless all the members are present and consent to the consideration of any business not specified in said order. All meetings of the board must be public and four members shall constitute a quorum for the transaction of business; *provided, however*, that on all questions requiring a vote, except a motion to adjourn or a motion to adjourn to a stated time, there shall be a concurrence of at least the number constituting a quorum. A smaller number of directors than a quorum may adjourn from day to day. All records of the board shall be open to public inspection during business hours. Whenever any act is required to be done or proceeding taken by this act, or by an act supplemental or amendatory thereto, on the first Tuesday in any month, such act may be done or proceeding had upon the day specified in the resolution hereinbefore referred to as the time for the regular meeting of the board of directors; *provided*, that when a day other than the first Tuesday in the month shall have been specified as the time for the regular meeting of the board of directors, thereafter the newly elected officers of the district shall take office at noon on the day fixed for the regular monthly meeting of said board in March and said board shall meet for reorganization and the transaction of any other business of the district in the afternoon of said day.

Statement
of financial
condition.

SEC. 12. The board of directors at their regular monthly meeting in February of each year shall render and immediately thereafter cause to be published a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week for two weeks, in some newspaper, published in said district.

Powers and
duties of
directors

SEC. 13. The board of directors shall have the power and it shall be their duty to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works, reservoirs, dams, wells, pumping plants, and any and all other means for the development, collection and storage of water and the line for canal or canals, pipe line or pipe lines, siphons, and structures of all kinds, and any and all other means for the measurement, transportation and delivery of water and the necessary branches for the same on any lands which may be deemed best for such location. Said board shall also have the right to acquire, by purchase, lease, contract, condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal, or canals, and

works, including canals, and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances, and also where necessary or convenient to said ends to acquire and hold the stock of other corporations domestic and foreign owning waters, canals, water-works, franchises, concessions or rights. Said board may enter into, and do any acts necessary or proper for the performance of any agreements with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might lawfully be acquired or owned by the irrigation district, and may acquire the right to store water in any reservoirs or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee of the right to the use of any water the right to store such water in any reservoir of the district or to carry such water through any canal, ditch or conduit of the district.

SEC. 14. The board of directors may also construct the necessary works of all kinds necessary or proper for the conservation, collection, storage and distribution of water for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each landowner in said district for irrigation and domestic purposes; *provided*, that where, within said district mutual water companies have been organized to furnish water to certain specified lands within said district, the board of directors are hereby authorized and empowered to contract for the delivery of water for such lands as lie within the boundary of said water companies, through said mutual water companies only. The said board is hereby authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings, the said board may sue, appear and defend in person or by its attorneys, and in the name of such irrigation district.

SEC. 14a. Whenever it shall appear that adequate drainage for lands irrigated or to be irrigated under the provisions of this act shall be necessary for the efficient or safe irrigation of such lands, then all works necessary or proper for such drainage by open ditches, covered drains, pumping, or other proper means, shall be considered a part of the neces-

sary irrigation works and, as such, subject to all the provisions of this act.

Rules for
use of
water.

SEC. 15. It shall be the duty of the board of directors to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of said lands, which must be printed in convenient form for distribution in the district. Said board shall have power generally to perform all such acts as shall be necessary to fully carry out the purposes of this act.

Change of
boundaries.

SEC. 16. The board of directors, when they deem it advisable for the best interests of the district, and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, fix or change the boundaries of the divisions or election precincts of the district or of both. Such fixing or changing of boundaries of the divisions and precincts must be shown on the minutes of the board. The board of directors shall also have the power, and such board is hereby vested with the authority, to lease the system of canals and works in the district, or any part thereof, whenever such leasing may be for the benefit of the district; *provided*, that when the directors contemplate the leasing of the canals and works of such district, they shall give notice of such contemplation by publishing the same in some newspaper published in the district, at least three weeks prior to the making of any lease, and such lease shall be made to the highest bidder. But such board shall have the right to reject any and all such bids. Such lease shall in no way interfere with any rights that may have been established by law, at the time such lease is made; *and further provided*, that the board of directors shall require a good and sufficient bond to secure faithful performance of the lease by the lessees.

Lease of
canals.

Condemna-
tion
proceedings.

SEC. 17. In case of condemnation proceedings the board shall proceed, in the name of the district, under the provisions of title seven, part three of the Code of Civil Procedure of the State of California, and all pleadings, proceedings, and process in said title provided shall be applicable to the condemnation proceedings hereunder.

Public use.

SEC. 18. The use of all water required for the irrigation of the lands of the district and for domestic and other incidental and beneficial uses, within such district, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this act is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law.

General
irrigation
district
election.

SEC. 19. An election, which shall be known as the general irrigation district election, shall be held in the district on the first Wednesday in February in each odd-numbered year, at which a successor shall be chosen to each director whose term shall expire in March next thereafter. The person receiving the highest number of votes for each office to be filled

at such election shall be elected thereto; *provided*, that at any election when two directors are to be elected from any one division, the person receiving the highest and the person receiving the second highest number of votes in such division shall be elected. The term of office of each director elected after the organization election shall be four years, or until his successor is elected and has qualified.

SEC. 20. Within ten days after receiving their certificates of election hereinafter provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. Each member of said board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by a judge of the superior court of Santa Clara county, and shall be recorded in the office of the county recorder thereof, and filed with the secretary of said board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the district.

SEC. 21. At noon of the first Tuesday in March next following their election, except as provided in section eleven of this act, the directors who shall have been elected at the preceding general irrigation district election shall enter upon the duties of their respective offices. On the first Tuesday in March next following each election, the directors shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board.

SEC. 22. Fifteen days before any election held under this act, subsequent to the organization of the district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, within the divisions wherein such election will be held, of the time and place of holding the election and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held.

SEC. 23. The inspector is chairman of the election board and may administer all oaths required in the process of an

election; and appoint judges and clerks if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election of each precinct must, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at eight a.m. on the morning of the election, and be kept open until four p.m., when the same must be closed.

Ballots.

SEC. 24. The ballot used at the election shall be provided by the board of directors, and one of the clerks of election shall deliver, to each of the electors, one of the ballots so provided. The ballots shall have printed on them the names of all candidates whose names have been filed as provided in this act, with a voting square behind each name. The names shall be arranged in groups, alphabetically, under the designation of the office for which each person named is a candidate. Where more than one person is to be elected for an office of the same title, the words, "Vote for ——— (inserting the proper number)" shall be printed under the title of the office. Each elector shall stamp a cross, with a rubber stamp to be provided by the board of directors, in the square behind the name of each candidate he wishes to vote for.

Nomination
petition.

SEC. 25. Not less than ten days before the election, any ten or more electors in the division wherein a director is to be elected at such election, may file with the board of directors a petition, requesting that certain persons, specified in such petition be placed on the ballot as candidates for the office named in the petition. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots. But there shall be sufficient blank spaces left in which electors may write other names if they so desire and when a name is written in such blank space the vote shall be counted for the person whose name is so written in. The petitions shall be preserved in the office of the secretary of the district.

General
election
laws to
govern.

SEC. 26. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted, as nearly as practicable, in accordance with the provisions of the general election laws of this state. As soon as all the votes are counted, a certificate shall be drawn upon each of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, judge, and the inspector. One of said certificates, with the poll list and the tally paper

to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks, and indorsed "Election returns of (naming the precinct) precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months; and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

SEC. 27. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district for each person voted for, and declaring the result thereof.

SEC. 28. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show: (a) The whole number of votes cast in each division of the district; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director. The board of directors must declare elected the persons elected according to the provisions of this act. The secretary must immediately make out and deliver to each such person a certificate of election, signed by him, and authenticated with the seal of the board. In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the board of supervisors of Santa Clara county, from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Qualifica-
tions of
director.

SEC. 29. A director shall be a resident of and owner of irrigable land within the irrigation district and a resident of the division which he is elected to represent.

Recall of
officers.

SEC. 30. The holder of any elective office of the district may be removed or recalled at any time by the electors; *provided*, he has held his office at least six months. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the secretary of the board of directors of such district, which petition shall be signed by registered voters equal in number to at least twenty-five per cent of the highest vote cast within such district for candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected, or, in the case of the removal of the incumbent of an office elected by a subdivision of such district, such petition shall be signed by a like percentage of qualified electors of such subdivision computed upon the total number of votes cast in such subdivision for all candidates for the office, the incumbent of which is sought to be removed, at the last general election in such subdivision at which an incumbent of such office was elected; and said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in nowise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the precinct, and if within a town having named streets and numbered houses, street and number. Each such separate paper shall have attached thereto an affidavit made by an elector of the district and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the district. Within ten days from the date of filing such petition, the secretary of the board shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the said certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within ten days after such supplementing papers are filed, make like examination of a supplementing petition, and if a certificate shall show that all the names to such petition, including the supple-

mental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the board of directors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; *provided*, that if a general election is to occur within sixty days, from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such district occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the manner prescribed by section twenty-five of this act.

Recall
of
officers.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "yes" and "no" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X) his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "no," said incumbent shall continue in said office. If a majority shall vote "yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The election shall be conducted, canvass of all votes for candidates for said office shall be made and the result declared in like manner as in a regular election within such district. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person, who received the

highest number of votes shall fail to qualify within ten days after receiving the certificate of election the office shall be deemed vacant and shall be filled according to law. If the vote at any such recall election shall not recall the officer, no further petition for the recall of such officer shall be filed before the expiration of six months from the date of such first recall election.

Title to
property.

SEC. 31. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by such district, in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided. The board of directors may determine by resolution duly entered upon their minutes that any property, real or personal, held by such irrigation district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell such property; and a conveyance of any property held by said district, executed by the president and secretary thereof, in accordance with a resolution of the board of directors of such district, when sold for a valuable consideration, shall convey good title to the property so conveyed.

Estimate
of money
required
by district.

SEC. 32. Each year, at least fifteen days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required for county purposes the board of directors of said district shall furnish to the board of supervisors and the auditor of Santa Clara county an estimate in writing of the minimum amount of money required by the district during the fiscal year for all purposes other than the acquiring by purchase or otherwise, of water or water rights, lands, rights of way or property of any kind to be used in the development, storage, conservation or distribution of water: the construction, operation or maintenance of reservoirs, canals, pipe lines or other means of development, conservation, storage or distribution of water; and the payment of principal or interest of bonds issued for any of the foregoing purposes. The said board of supervisors must annually, levy an assessment upon the taxable property in said district sufficient to raise the amount of money so estimated by the board of directors. Such assessment shall be levied and collected at the time and in the manner as the general tax levy for county purposes and when collected shall be paid into the county treasury of said Santa Clara county and credited to the general fund of the Santa Clara county irrigation district and paid out on warrants as in this act provided.

Levy of
tax.

Estimates
for con-
structing
works.

SEC. 33. For the purpose of constructing or purchasing necessary irrigation canals and works, and acquiring the necessary property and rights therefor, and for the purpose of acquiring waters, water rights, reservoirs, reservoir sites, and other property necessary for the purposes of said district,

and for the purpose of reimbursing the general fund of the district for money expended for surveys, examinations, drawings, and plans, in this section provided for, and otherwise carrying out the provisions of this act, or any other act under which said district is or may be authorized to acquire property or construct works, the board of directors of said district must estimate and determine the amount of money necessary to be raised. For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, said board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate. Said surveys, examinations, drawings and plans, and the estimate based thereon may provide that the works necessary for a completed project shall be constructed progressively during a period of years. In the estimate of the amount of money necessary to be raised by the first issue of bonds for any particular project, the board of directors may include a sum sufficient to pay the interest on all of such bonds for three years or less. All such surveys, examinations, drawings and plans shall be made under the direction of a competent irrigation engineer and shall be certified by him. The plans to be carried out may be divided by said board into separate portions or projects in such manner as will in its judgment best facilitate the levying of assessments or issue of bonds, for each particular portion or project in a just and equitable manner according to benefits upon the lands in said district. Said board shall enter in the minutes of the board, a resolution to the effect that the execution of each such separate portion or project which they may determine upon is a public necessity. Each such particular portion or project shall be designated by the board in such resolution by name and number. All assessments, plans, bond issues and funds intended for or connected with the execution of each particular portion or project shall be designated by such name and number and shall be kept separate and shall be used only for the purpose of carrying out such particular portion or project. For the purpose of apportioning the cost of any such project the board shall appoint three assessors who shall be disinterested persons, and shall have no interest in any real estate within said district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors must assess upon the lands within said district the said sums so estimated by the board, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure of said sums of money. After said assessors have examined the plan or plans of the works contemplated and the said estimates of the cost, they shall make a preliminary report to the board indi-

Surveys.

Resolution
for
execution
of project.Assessors to
apportion
cost of
project

Report

eating the exterior boundaries of the lands that in their
 opinion will be benefited by the expenditure. The assessors
 shall then appoint a time and place in Santa Clara county
 when and where they will hear objections to the said report,
 and also evidence concerning the manner in which said esti-
 mated costs should be apportioned. They shall give twenty
 days' notice of said hearing by publication in a newspaper
 published in said county. They shall exclude any land that
 will not be benefited by the expenditure of said sums and
 shall assess all lands that will be benefited thereby. Said
 assessors shall make a list of the lands so assessed, which list
 shall contain a description of the tracts of land assessed, by
 legal subdivisions, or other boundaries or references sufficient
 to identify the same: the name of the owner, if known, or if
 unknown, that fact, and the amount of the charge assessed
 against each tract. No mistake in the name of the owner, or
 supposed owner of any real estate shall invalidate the assess-
 ment or bonds based thereon. Said lists when completed shall
 be filed with the secretary of the board and the same shall be
 open for inspection by the public for at least thirty days.
 The compensation of said assessors shall be fixed and allowed
 by the board. The board shall appoint a time and place not
 less than thirty days after said list has been filed with the
 secretary when and where it will meet for the purpose of
 hearing objections to said assessments, and notice of such
 hearing shall be filed with the secretary and published for two
 weeks in some newspaper published in said county. At any
 time before the date of such hearing any person interested in
 any real estate upon which any charge has been assessed, may
 file in the office of the secretary of the board written objec-
 tions to such assessment, stating the grounds of such objec-
 tions, which said statement shall be verified by the affidavit of
 such person or some other person who is familiar with the facts.
 At such hearing the board shall hear such evidence as may be
 offered touching the correctness of such assessment or the
 manner of its apportionment, and may modify or amend the
 same and may reapportion all or any part of the entire assess-
 ment. If said assessment shall be reapportioned, the board
 shall give two weeks' notice as before, and proceed to hear
 objections as before, and shall then reconsider said assessment
 and make an order approving said assessment as finally fixed;
 said assessment lists shall thereupon be by the board filed in
 the office of the county treasurer of Santa Clara county.

SEC. 34. The board of directors shall then submit a copy
 of the said estimate, the said engineer's report and the said
 order of approval to the commission authorized by law to
 approve bonds of irrigation districts for certification as legal
 investments for savings banks and for the other purposes
 specified in the act creating said commission. Said commission
 shall forthwith examine said report and any data in its posses-
 sion or in the possession of said district and shall make such

Hearing.

Hearing by
board.

Objections.

Examina-
tion by
irrigation
district
bond
commission

additional surveys and examinations at the expense of the district as it may deem proper or practicable, and as soon as practicable thereafter shall make to the board of directors of said district a report which shall contain such matters as, in the judgment of the said commission, may be desirable; *provided*, that it may state generally the conclusions of said commission regarding the supply of water available for the project, the nature of the soil proposed to be irrigated as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation, and the probable need of drainage, the cost of works, water rights and other property necessary for a complete and satisfactory project, the proper dates of maturity for the bonds proposed to be issued and whether in its opinion it is advisable to proceed with the proposed bond issue. If the estimate of the amount of said bond issue shall have included any amount for the payment of interest on the bonds of such issue, as provided in section thirty-three of this act, and such estimate for the payment of interest, or any part thereof, is approved by the commission in said report, it shall be lawful for the board of directors, if the issuance of such bonds is thereafter authorized by vote of the electors of the district, to use for the payment of interest on any bonds of such issue so much of the proceeds of the sale of said bonds as may have been approved for that purpose in said report of the commission.

SEC. 35. If after such examination and investigation the said commission shall deem it advisable that the said plans be modified or that the amount of the bonds proposed to be issued be changed, or that certain conditions should be prescribed to insure the success of the project, or that in its opinion it is not advisable to proceed with the proposed bond issue, it shall so state in its report to the board of directors. After receiving said report, or if no report is received within ninety days after the submission of said data to said commission, said board of directors, if it shall determine and shall declare by resolution that the proposed plan of works or some modified plan recommended by said commission is satisfactory and that the said project or said modified plan is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary therefor; *and provided, further*, that if the district shall issue bonds to carry out any plans approved by said irrigation district bond commission as herein provided it shall be unlawful for said district to make any material change in said plans thereafter without the consent of said commission.

SEC. 36. Within thirty (30) days after said resolution is adopted, an election shall be called and held by the board in that part of said district affected by said assessment or the issuance of said bonds, to determine whether the money necessary to pay the cost of the works and other expenses to be paid out of such assessment shall be raised and whether it shall be

Report of
commission.

Election to
determine
method of
raising
money.

raised by calls to be made upon such assessment in such installments as may from time to time be determined by said board, or whether bonds of the district shall be issued in an amount equal to the amount of such assessment, which amount shall be entered by the board in its records and stated by said board in its order for said election, which order shall be entered upon the minutes of said board.

Polling places.

SEC. 37. The board shall in its order providing for said election specify the day on which said election shall be held and shall specify and designate one or more polling places as it may determine to be necessary for the holding of such election. In case the board shall consider it necessary or proper to provide more than one polling place for the holding of such election, the board shall in said order divide the lands affected by said assessment into separate voting districts, and shall designate and provide one polling place for and within each such voting district at which shall be cast the votes of the owners of land within such voting district.

Board of election.

SEC. 38. The board shall also in said order providing such election appoint a board of election for each such polling place, which board of election shall consist of three owners of land assessed in and by said assessment and situated within such voting district where such polling place is located. Each member of such board of election, whether so appointed by the board or whether acting as a substitute as hereinafter provided, shall be entitled to the sum of five dollars for his services as such, to be paid by said board out of any funds of the district or of said board applicable thereto.

Notice of election.

SEC. 39. Notice of such election must be given by the board by posting notices thereof in at least three public places in each voting district at least twenty-one days prior thereto, and also by publication for the same length of time in some newspaper of general circulation published in said Santa Clara county. Such notice must specify the time and place of holding such election, the aggregate sum of money proposed to be raised, and the names of the persons appointed to act as the board of election. Affidavits of publication and posting of such notices must be filed with the county clerk of said county, together with a copy of said order calling such election certified to by the secretary or assistant secretary of the board. Duplicate original affidavits of publication of posting of such notice shall also be filed in the office of the board.

One vote for each dollar of assessment.

SEC. 40. At such election the owner or owners of each tract of land assessed in and by such assessment shall have the right in person or by proxy to cast one vote for each one dollar of the amount for which said tract of land is assessed by said assessment. In case there shall be more than one owner of any tract of land separately assessed in and by said assessment, all of such owners shall unite in the ballot to be cast at such election for and on behalf of such

tract of land, or shall authorize one or more of their number or some other person to cast such vote for them by proxy.

SEC. 41. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may vote, at said election without obtaining special authority therefor. The vote of any public or private corporation of any district, levee district, drainage district or other public agency entitled to vote at such election, may be cast by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing and certified to by the secretary or clerk thereof and attested by its seal duly acknowledged and filed with the board of election. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing duly executed, acknowledged and certified in the same manner as grants of real property and filed with the board of election. In case of the change of ownership of any tract of land, or in case the name of the owner of any tract of land be not correctly stated in the voting list, or in case it be assessed to unknown owners, the right to vote shall belong to the owner of such land at the time of the holding of such election; and if the right of any person to vote as the owner of any such tract of land be disputed or challenged, the question of his right to vote shall be determined by the board of election after examining him under oath, which oath any member of such board of election is hereby authorized to administer, and any person testifying falsely upon such examination shall be guilty of perjury. Any person voting or attempting to vote at such election who is not entitled to vote at such election, as herein provided, shall be subject to the same penalties and punishments as provided by the general election laws of this state, for voting or attempting to vote illegally.

SEC. 42. The board shall, prior to such election, cause to be prepared and certified by its secretary or assistant secretary, and furnished to the board of election in each said voting district, a true and correct voting list containing the reference number of each tract separately assessed upon the assessment list, to whom assessed, and the amount of the assessment thereon with reference to which the election is to be held, which voting list shall be used by the board of election in determining the right to vote and the number of votes to be cast by each voter, and shall be sufficient evidence thereof.

SEC. 43. For the purpose of determining the so-called "reference number" of each tract separately assessed upon the assessment lists, the board shall, before preparing such voting lists, cause each tract of land separately assessed upon the assessment lists, unless already done, to be given a separate number to be designated as the "reference number" of such tract, which reference numbers shall be entered upon

the assessment lists opposite the several tracts separately assessed, respectively.

Ballot

SEC. 44. The ballot cast at such election shall contain the words "Assessment—Yes" or the words "Assessment—No" and the words, "Bonds—Yes" or the words "Bonds—No," and also the signature of the person or persons casting the ballot, with the number of votes cast by such voter. If a ballot is cast by proxy, it shall also contain the name of the land owner for whom the ballot is cast and the signature of the person casting the said vote as such proxy. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and if the ballot be cast by proxy, the name of the person casting it and the number of votes cast by each and whether the same be cast for or against the issuing of the bonds.

Vacancy on election board.

SEC. 45. If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any land owner of the voting district then present and entitled to vote at such election at such polling place, to fill the position of any such absent member thereof. Each member of such board of election must before entering upon the discharge of his duties as such, take and subscribe an official oath, which oath may be administered by any officer authorized by law to administer oaths, or by any land owner in said district. Such oath shall be to the effect that he will support the constitution of the United States and the constitution of the State of California, and that he will faithfully perform the duties of member of such election board to the best of his ability.

Oath.

Hours of voting.

SEC. 46. The polls at each such polling place for said election shall be kept open from eight o'clock in the forenoon until four o'clock in the afternoon of the day appointed for such election. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result, and shall forward a certificate showing each result and the number of votes cast for and against the issuing of bonds, to the board of directors of said district, and shall deliver a duplicate thereof to the county clerk of Santa Clara county, and shall also deliver to said board all ballots, voting lists and lists of ballots cast at such election, and all documents and papers used thereat. Thereupon the board shall examine and canvass said certificates received from such boards of election, and shall determine therefrom and declare, and enter in its minutes as the managing body of said district, the total result of such election. Any person interested may within ten days after the result thereof has been so determined and declared by the board contest such election by bringing suit in the superior court of Santa Clara county, and if no contest shall be so commenced within said time, the declaration of the result by the board shall be final and conclusive.

Canvass of vote.

SEC. 47. If a majority of the votes cast at such election are in favor of said assessment and a majority of said votes are in favor of the issuance of bonds, the board shall cause bonds of the district, in the amount stated in said order calling such election, to be prepared and executed and delivered to the treasurer of Santa Clara county. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each. They shall be signed by the president of the board and attested by the secretary of said board with the seal of said board affixed thereto, and shall be numbered consecutively in the order of their maturity and shall bear date either January first or July first and shall bear interest at a rate to be fixed by the order of the board for issuance of the bonds not to exceed six per cent per annum payable semi-annually on the first day of January and the first day of July in each year, at the office of the said county treasurer upon presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the said county treasurer.

Majority
vote.Issue of
bonds.

Interest.

SEC. 48. The principal of said bonds shall by an order of said board entered in its minutes, be made payable on the first day of July or the first day of January and in such years as the board may prescribe, but such bonds shall be payable serially within twenty years from their date in the manner following, to wit: Not less than ten per cent of the aggregate face value of such bonds issued shall be payable within ten years from their date, and not less than nine per cent of the aggregate face value of such bonds issued shall be payable each year beginning with the eleventh year from their date, until the whole amount of said bonds have been paid.

Payment of
principal.

SEC. 49. Out of the bond fund of such assessment the said county treasurer shall, on presentation at or after its maturity, pay to the holder thereof each such bond or interest coupon which shall have been sold or which shall have been issued and delivered upon an order of the board payable in bonds as hereinafter provided. If any bond or interest coupon shall not be presented to the said treasurer for payment when the same becomes due, it shall cease to bear interest, but if presented at or after such time and not paid for want of funds, the said treasurer shall so endorse such bond or coupon, together with the date of presentation, and thereafter such bond or coupon shall bear interest at the rate expressed in the bond until paid or until funds have been provided in the treasury applicable to its payment.

Form of
bonds.

SEC. 50. Said bonds may be substantially in the following form:

United States of America
State of California.

No.----- \$-----

Santa Clara County Irrigation District.

Santa Clara county irrigation district, in the State of California, for value received, hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the county treasurer of the county of Santa Clara, State of California, on the first day of-----, 19---, the sum of-----dollars, in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid at the rate of ----- per cent per annum, payable at the office of said county treasurer semi-annually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of ----- bonds of like tenor and effect, except as to denomination and maturity, numbered from ----- to -----, inclusive, amounting in the aggregate to \$----- issued in accordance with an act of the legislature of the State of California approved -----, 1921, authorizing the same, and is based upon and secured by an assessment levied, on lands in said district known and designated as (name and number of assessment), and filed in the office of the county treasurer of Santa Clara county, wherein are situated the lands assessed thereby. And the said Santa Clara county irrigation district does hereby certify and declare that the issuance of said bonds was duly authorized by an election duly called and held upon due notice, and the result thereof was duly canvassed and ascertained in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all the acts and conditions and things required by law to be done precedent to and in the issuance of the said bonds have been done and performed in regular and in due form and in strict accordance with the provisions of law authorizing the issuance of the bonds of said Santa Clara county irrigation district.

In witness whereof, the said Santa Clara county irrigation district, acting through the board of said district, has caused this bond to be signed by the president of said board and attested by the secretary of said board with the seal of said board affixed, this ---- day of -----, 19----

President of said board.

Attest:-----

Secretary of said board.

And the interest coupons may be substantially in the following form:

No.----- \$-----

The treasurer of the county of Santa Clara, State of California, will pay to the holder hereof on the ----- day of -----, 19---- at his office in the city of San Jose, State of California, the sum of \$-----, in gold coin of the United States, out of the funds of the Santa Clara county irrigation district applicable thereto, for interest on bond of said district numbered -----.

Attest: -----

Treasurer of Santa Clara county.

SEC. 51. The board shall deliver the bonds prepared pursuant to this act duly signed and attested, to the said county treasurer. Within ten days after said bonds have been delivered to the treasurer, an action may be commenced by the board in the superior court of the State of California, in and for the county of Santa Clara, against the land and all persons owning the same or interested therein, in that portion of the Santa Clara county irrigation district affected by said assessment or the issuance of said bonds, to have it determined that said bonds are a legal obligation of said district. Such action shall be in the nature of a proceeding in rem and the defendants in such action shall be designated as "All persons owning or claiming any interest in or lien upon any lands within the district affected by that certain assessment known and designated as (giving the name and number of the assessment)." It shall be sufficient to describe said lands as all lands affected by such assessment, without a more specific description. A summons shall be issued in such action, which summons, beside the matters required by section four hundred seven of the Code of Civil Procedure, shall contain a statement that the action is brought to determine the validity of the bonds of the district to the amount stated therein executed by the board and delivered to the said county treasurer and based upon and to be paid out of an assessment levied by said board upon lands within the district assessed in and by that certain assessment known and designated as (giving name and number of the assessment). Jurisdiction by the court over all parties interested in said action shall be obtained by publication of a copy of the summons at least once a week for three successive weeks in a newspaper of general circulation published in Santa Clara county, which newspaper shall be designated by the court or a judge thereof. Within thirty days after completion of the publication of such summons any owner of land assessed by said assessment or any one interested in any such land may appear and answer the complaint in such action which answer shall be verified and shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be

Action to
determine
legality.

entered. Such action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court, and judgment shall be rendered therein declaring such bonds either valid or invalid. Any party not in default shall have the right within thirty days after the entry of such judgment to appeal therefrom to the supreme court of this state, which appeal shall be advanced upon the calendar of the court in which the appeal may be pending and shall be determined as early as possible. Judgment for the plaintiff in such action declaring such bonds to be valid shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein subject to said assessment and bonds and all owners thereof and all other interested persons. Costs may be awarded to or against any party appearing in such action as the court in its discretion may determine. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the superior court of the State of California, in and for Santa Clara county, and no such action or proceeding shall be commenced by any party other than the board until the expiration of ten days after such bonds have been so executed and delivered to the county treasurer, nor unless the action in this section provided for shall not have been commenced by the board within said period of ten days.

Sale of
bonds.

Notice.

Award to
highest
bidder.

Payments
in bonds.

SEC. 52. The said county treasurer shall receive and place the said bonds to the credit of said district, and shall when and as directed by the board sell any of said bonds for the best price obtainable therefor, but in no event for less than ninety-five per cent of the face value of such bonds and the accrued interest thereon. Before making a sale of any of said bonds, notice shall be given by the treasurer that he will sell a specified amount of said bonds, stating the day, hour and place of said sale. Such notice shall state that sealed proposals will be received by him for the purchase of said bonds or any part thereof at the day and hour named in the notice. Such notice shall be given by publication once a week for three successive weeks in a newspaper of general circulation published in the city of San Jose. At the time and place appointed in said notice the treasurer shall open the bids and shall award the purchase of the bonds or any part thereof to the highest responsible bidder, or if the highest bid is not equal to par and accrued interest he shall notify the board of the amounts of the highest bids received, and reject any or all bids if so required by said board. At any time before all such bonds held by the county treasurer shall have been sold by him, said board may draw upon the said treasurer for, and issue and deliver any such unsold bonds at not less than the face value thereof in payment for any works or other expenses for which said assessment has been levied and for which such bonds have been authorized, and may make contracts for any of the said works or expenses, payable in whole or in part in such bonds

and in making such payments in bonds, said board shall draw orders upon the said county treasurer payable in such bonds to the amount therein named, which orders shall be countersigned by the auditor of Santa Clara county and shall be paid with such bonds by the county treasurer upon presentation of the amount therein provided for, if there be sufficient bonds on hand to pay the same. In drawing any such order upon the said treasurer payable in such bonds as aforesaid, the board may specify the maturity of the bonds which are to be delivered in compliance with such order and such specifications shall be complied with by the treasurer as far as possible.

SEC. 53. The money derived from the sale of any of said bonds shall be received by the said county treasurer and shall be by him safely kept and placed to the credit of the district in a fund to be designated as the "construction fund of (giving name and number of the assessment upon which the bonds are based)," and may be drawn and expended upon warrants drawn by the auditor of Santa Clara county at the request of the board upon and payable out of said construction fund.

Construction
fund.

SEC. 54. The bonds of the district issued pursuant to this act which are investigated and approved by any commission or officer now or hereafter authorized by any law of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks, may be lawfully purchased or received in pledge for loans by banks, trust companies, insurance companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other municipality or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Bonds a
legal
invest-
ment.

SEC. 55. From the first money received from the sale of any such bonds the said county treasurer shall retain an amount which with the other funds in his hands applicable to the payment of such interest will be sufficient to pay the interest which will fall due during the period of one year thereafter upon all such bonds which have been so sold, or which have been issued and delivered on orders of the board payable in bonds, and which are still outstanding; and the treasurer shall at all times retain in his hands sufficient money from the sale of such bonds which, with other funds applicable thereto in his hands, will be sufficient to pay all interest to accrue within the period of one year next succeeding upon all such bonds so sold or issued and delivered and still outstanding; and the money so withheld by the treasurer shall be applied on said bonds and interest thereon shall not be used for any other purpose.

Retention
of amount
to pay
interest.

SEC. 56. Whenever any of such bonds are sold or delivered by the treasurer either to a purchaser thereof or upon an order from said board payable in such bonds, the treasurer shall first detach therefrom and cancel all past due interest

Report by
treasurer.

coupons and deliver such canceled coupons to the board or its secretary, and shall also at once certify and deliver to said board or its secretary a list of such bonds so sold or delivered, showing the serial numbers, denominations and date of maturity of the bonds so sold or delivered, the price received for each bond sold, and the date of maturity of the earliest maturing interest coupon left attached to each bond so sold or delivered. The treasurer shall also certify and deliver to the said board or its secretary whenever requested, a statement of all such bonds and coupons for interest thereon paid by him and of all bonds or coupons presented for payment and not paid for want of funds, with the date of presentation.

Bond
record.

SEC. 57. The board shall maintain in its office and open to public inspection at all reasonable times during office hours, a book or books to be known as the bond record of the district, containing a complete record of the existing condition of the whole of each such bond issue as compiled from time to time from such reports from the county treasurer, from which can be ascertained the amount of bonds outstanding and the interest accumulated and unpaid thereon.

Separate
records for
each issue.

SEC. 58. In case there shall be several bond issues under this act, based upon several different assessments, respectively, all of the proceedings, records and transactions of every kind herein provided for shall be had and kept separately with reference to each such bond issue.

Assessments
a lien.

SEC. 59. If a majority of the votes cast at any election held under the provisions of this act to determine the questions set forth in section 36 of this act are in favor of the proposed assessment, such assessment shall constitute a lien upon the lands assessed from the time the result of such election is declared by the board of directors. The secretary of the district shall enter in the minutes of said board the time of such declaration immediately after the same is made.

Collection
of
assessment.

SEC. 60. If, at any such election the majority of all votes cast are in favor of the proposed assessment and a majority of all the votes cast are against a bond issue, the assessment may be collected at one time or in installments as may be determined by the board of directors. The board of directors shall declare the whole or any installment of said assessment to be due at any time by resolution duly adopted. A copy of such resolution shall be forthwith filed with the treasurer of Santa Clara county, who shall cause notice of the call for payment of such assessment or installment thereof to be published in a newspaper of general circulation published in said district for two successive weeks, the first publication to be at least twenty days before the date when unpaid part of said assessment or installment shall be delinquent. Said resolution of the board shall fix a time when said assessment or installment shall be payable and a date when the unpaid parts of the same shall be delinquent. The published notice shall be in form substantially as follows:

Resolution
of board.

Notice is hereby given that an installment of assessment (giving name and number) in the sum of \$_____ is payable within _____ days from date, _____, by all landowners of said district subject to said assessment, to the treasurer of Santa Clara county. All or any part of said installment which shall remain unpaid on the _____ will be delinquent, with twenty (20%) per cent of such installment and interest added as penalty.

Published notice.

Dated: _____

County treasurer.

All parts of said assessment or installment not paid by the delinquent date fixed by the board shall have added a penalty of twenty per cent of the amount due. Delinquent assessments shall be collected in the same manner as hereinafter provided for the collection of delinquent assessments for the payment of bonds.

Penalty on delinquent assessments.

SEC. 61. With the money received from the sale of bonds, or with the said bonds as hereinbefore provided, or with the money collected by assessment as hereinabove provided, the board as the managing body of said district shall proceed with the construction and completion or carrying into execution of the works or project for the purpose of which the assessment was levied or bonds issued, in the order that the same may be carried out and completed according to the best judgment of said board and without unnecessary delay. For the purpose of paying the cost and expenses of such works or project, and the expenses of making, bonding and collecting the assessment therefor the board shall from time to time as may be necessary present its written requests to the auditor of Santa Clara county for the issuance of warrants, specifying the amount of the warrant and the name of the payee thereof, and upon receipt of such written request the said auditor shall draw his warrants upon the treasurer of Santa Clara county, payable out of the said construction fund of the assessment upon which such bonds have been issued or money collected, and the said treasurer shall pay the same or make delivery of such bonds as provided herein. Warrants issued by the auditor and payable out of such assessment as provided by this act shall be paid by the treasurer out of and only out of the construction fund of such assessment, and in their proper order of registration as herein provided.

Use of funds.

SEC. 62. When the bonds of the district have been authorized and issued as herein provided, based upon any assessment levied by the board, the board shall annually thereafter before the first day of July of each year, by an order entered in its minutes, ascertain and determine the total amount necessary to be collected upon such assessment for the payment of principal and interest of all such bonds which will or may become due on the first day of January and the first day of July of the succeeding year, and thereafter and before the first

Assessments to pay principal and interest.

day of September of each year said board shall prepare in duplicate, retaining one original thereof, and causing the other original thereof to be certified by its secretary and delivered to the county treasurer of Santa Clara county, a statement of the installment of such assessment necessary to be collected for such year, to which there shall be added and collected an additional amount of fifteen per cent of the installment so due to cover possible delinquencies, which said additional sum, together with such installment, shall constitute the amount to be collected for bonds. Such installment for bonds shall, unless otherwise determined by the board by an order entered in its minutes, a copy of which duly certified shall be transmitted to the said county treasurer, be payable in two equal portions, the first of which shall be due and payable to such county treasurer, respectively, on the third Monday in October and shall be delinquent on the first Monday in December next thereafter at six o'clock p. m., and the remaining portion may be paid at any time before the last Monday in April next thereafter at six o'clock p. m. at which time the same shall become delinquent.

Annual
collection
list.

SEC. 63. For convenience in entering payments of such installment for bonds, the board shall furnish to the county treasurer an annual collection list in which shall be set forth the reference number of each tract of land assessed and the name of the owner to whom assessed, as stated in the original assessment list, and the total amount assessed upon each tract and the amount to be collected thereon for that year, together with appropriate columns for the entry of payments, sales and redemptions; and the county treasurer shall enter thereon in the proper column all payments, with date of payment, the word "sold" with date of sale, in case of sales for delinquency, and the words "sold to the district" with date of sale, in the case of sales to the district; and shall also enter the word "redeemed" with date of payment, in case such redemption be made. Said county treasurer shall also make a report to the board as often as requested of all entries so made by him on such collection list.

Penalty for
delinquency.

SEC. 64. When either portion of any such installment for bonds shall become delinquent, a penalty of one dollar together with twenty per cent of the amount of such installment on each tract so delinquent, shall be added thereto and collected for the use of the bond fund of said assessment. All money so collected by the county treasurer upon such installment for bonds or for the penalty thereon in case of delinquency shall be by him credited to the bond fund of such assessment.

Notice of
delinquencies.

SEC. 65. If both portions of said installments are not paid before the last Monday in April at six o'clock p. m., the board shall publish in one notice, a list of all said delinquencies, at least once a week for two weeks in some newspaper of general circulation published in the county, which notice shall contain a description of each parcel of land assessed whereon such installment or installments are delinquent, as such description

appears on the assessment list, the name of the owner to whom it is assessed or a statement that it is assessed to unknown owners if such be the fact, the amount of the installment or installments delinquent on such parcel, the amount of the penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the court house of said county at a specified day and hour, which shall not be less than thirty nor more than ninety days from the date of delinquency, to pay such delinquent installment or installments and penalty. At the time and place stated in said notice the county treasurer shall sell each parcel of land described in said notice to the highest bidder unless prior thereto he shall have received payment in full of said delinquent installment or installments together with such penalty. No bid for any parcel shall be accepted less than the aggregate sum then due for said installment or installments thereon, together with such penalty, except that the treasurer may receive from any purchaser at their face value, in lieu of cash, bonds of said district or their interest coupons, which bonds or coupons shall be then matured or will mature within one year after such sale. Any said bonds or coupons so received in payment shall be by the treasurer forthwith canceled. If the entire amount of any such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the county treasurer shall endorse thereon as paid the amount of such purchase money credited thereon. There shall be credited to the bond fund of such assessment the amount of purchase money so paid in bonds or coupons on such delinquent sales, and of all sums endorsed as paid upon account of purchase money on any such bonds or coupons, specifying the same.

Sale of
land.

SEC. 66. If no bid is made for any parcel at such delinquent sale equal to the amount of installment or installments delinquent thereon including such penalty, the county treasurer shall bid in and sell said parcel to the said district for the amount of said installment or installments and penalty.

Sale to
district.

SEC. 67. The county treasurer shall execute to each purchaser at such delinquent sale including said district, a certificate of such sale, which certificate of sale shall be recorded by said purchaser in the county recorder's office of said county.

Certificate
of sale.

SEC. 68. Out of the proceeds of said sales the county treasurer shall place the amount due on the property so sold to the credit of the bond fund of said district for the particular bond issue based upon said assessment. The county treasurer shall pay to the owner of said property any surplus remaining after such credit.

Crediting
proceeds

SEC. 69. The county treasurer may if directed by the board postpone the said delinquent sale from time to time for not less than ten nor more than thirty days by a written notice posted at the place of sale.

Postpone-
ment
of sale

SEC. 70. Any person interested in any tract of land sold at such delinquent sale may redeem the same at any time

Redemption.

within one year after the date of sale by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certificate of sale with interest thereon at the rate of twelve per cent per annum from the date of sale to such redemption, together with the amount remaining due and unpaid of any installment upon any assessment on said land under this act, with the penalty herein prescribed for delinquency, if any. If no redemption shall be made within one year the board upon demand and the surrender of such certificate of purchase and the delivery of a certificate of the county treasurer that no redemption has been made within such year from date of sale, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances except state, county and municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of the said or any assessment made by said district, each installment whereof may be called and collected as by law provided, except that no parcel sold and conveyed to the district shall thereafter, until redeemed or until sold and disposed of by the board, be subject to sale by the treasurer for delinquent installments of any assessment as in this act provided. Every deed by the board purporting to be executed under this act shall be prima facie evidence of the truth of the matters therein recited and of ownership by the grantee of the lands therein described. All deeds herein required to be executed by the board may be executed by the president and secretary thereof on behalf of said board.

Sale of
land
purchased
by district.

SEC. 71. Any parcel of land bid in and purchased by the district at such delinquent sale shall be held in trust for the bond fund of the assessment upon which the same was sold and may be sold and conveyed by said board or their successors in office at any time after the expiration of said redemption period of one year at public or private sale and with or without notice to any person paying not less than the amount for which said parcel was bid in by said county treasurer at such delinquent sale for said district, with interest thereon at the rate of twelve per cent per annum compounded yearly from the date of such delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Payment for the land so purchased may be made by the purchaser either in cash or matured bonds and coupons issued upon said assessment taken at their face value, and the board shall execute a deed to such purchaser at such sale conveying said property, free of encumbrances except state, county and other municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of the said or any assessment thereon levied by the board on lands in said district. The purchase price so received in cash shall be by the board forthwith paid over to the treasurer of Santa Clara county, and any bonds or coupons so received in payment

by the board shall be by said board canceled and delivered to the said treasurer; and all such money so paid over and such canceled bonds or coupons so delivered to the treasurer shall be by him credited to the bond fund of such assessment. If any land so held by the district shall remain unsold after the final installment of the assessment shall have been collected by payment or sale, then the board shall sell all such lands so held by said district at public auction to the highest bidder for cash, upon two weeks' published notice substantially in the manner provided for notice upon such delinquent sales, and shall execute to the purchaser a conveyance thereof free of incumbrance except state, county and municipal taxes, and assessments levied or assessed by statutory authority, and shall deposit the proceeds of such sale with the county treasurer to the credit of the bond fund of such assessment.

SEC. 72. Any surplus remaining in the bond fund of such assessment greater than is necessary to pay all of the amounts due or to become due during the ensuing year may, in the discretion of the board, be devoted to the purchase in the open market and at the fair market price thereof of any bonds other than bonds of said district available for purchase by savings banks in this state, which shall thereupon be delivered to the county treasurer to be held by him for the benefit of said bond fund until the board shall direct it to sell the same, whereupon the treasurer shall sell the same and credit the proceeds to the said bond fund; and said board shall direct such sale to be made whenever necessary for payment of such bonds of the district or interest thereon.

Investment
of surplus
funds.

SEC. 73. The said bond fund of each such assessment shall be held and safely kept by the treasurer and shall be applied by him toward the payment of the bonds and coupons thereon based upon such assessment, as such bonds and coupons fall due; and if any balance shall remain in the bond fund of such assessment after payment in full of the principal and interest of all outstanding bonds issued upon such assessment, such balance shall be held for the benefit of the lands upon which said assessment was made and in proportion to the amounts assessed thereon, and may be distributed to the owners or other persons interested in such lands by the board, or used in the maintenance and operation of the works constructed with the proceeds of said bonds.

If balance
remains
after
payment
of bonds.

SEC. 74. If within one year from the time said bonds have been authorized to be issued as in this act provided, the same shall not have been sold or disposed of, the board may at its discretion by an order duly made and entered in its minutes and a copy duly certified sent to the county treasurer, cancel all proceedings taken in connection with such bond issue.

Cancellation
of
issue.

SEC. 75. No county officer shall charge or receive any fee for any services required to be performed by him under the provisions of this act; but any reasonable and necessary expense actually incurred by any officer in carrying out any of the provisions of this act relating in any manner to the

Expenses of
county
officer.

collection or enforcement of any assessment, shall be paid out of the funds of said district applicable thereto.

Supplemen-
tary
annual
assessment
to pay
bonds.

SEC. 76. If the amounts raised by means of and upon such assessment as herein provided shall in the end prove insufficient to pay in full all of said bonds and the interest thereon, the board shall levy and cause to be collected in the same manner as herein provided, a supplementary annual assessment or assessments from time to time as may be necessary upon the same lands previously assessed in the original assessment, which supplemental assessment or assessments shall be levied by resolution of the board entered in its minutes. It shall not be necessary to appoint assessors therefor nor to prepare new or additional assessment lists for any such supplemental assessment or assessments, but the same shall be levied and apportioned according to benefits and in the same proportion as specified in the original assessment lists for such assessments; and for the purpose of collecting the same said board shall prepare and cause to be certified to the county treasurer annual assessment collection lists in the same manner and at the same times as hereinbefore provided for the annual assessment collection lists upon such original assessment, and the same shall be collected by the county treasurer, and the same percentages, penalties and costs added for delinquency and the same proceedings had for sale of property, and for redemption thereof and for disposition of the proceeds of sale, and in all other particulars as hereinbefore provided in the case of such annual assessment collection lists upon the original assessment; and all money collected for or on account of any such supplemental assessment or assessments shall be credited by the treasurer to the said bond redemption fund of said assessment.

Mandamus
by attorney
general.

SEC. 77. If the board or any member thereof or any officer or appointee or employee thereof or any public officer in this act mentioned or referred to shall fail to perform any duties imposed by this act, at the time and in the manner in this act provided, the attorney general of the state shall have the power and it shall be his duty to compel the performance of such act by mandamus proceedings or by any other appropriate remedy, legal or equitable; and in case the attorney general shall fail, neglect or refuse so to do, it shall be the duty of the governor to compel the performance of such act by mandamus proceedings or other appropriate legal or equitable remedy and to employ special counsel therefor at the expense of said district.

If vote is
against
assessment.

SEC. 78. If a majority of all votes cast at any election held under the provisions of this act to determine the questions set forth in section thirty-six hereof shall be against the assessment, no assessment shall be levied.

Assessment
for
completion
of works.

SEC. 79. In case the money raised by the original assessment or by the sale of bonds issued be insufficient, or in case the bonds be unavailable for the completion of the plan of canal and works adopted, and the acquisition of the necessary prop-

erty, waters and water rights therefor, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan, and the acquisition of such necessary property, waters and water rights, by levy of assessments therefor; *provided, however*, that such levy of assessments shall not be made except first an estimate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the landowners affected thereby in the manner hereinabove provided for the original assessment. Before such question is submitted the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor. At such election the ballots shall contain the words "Assessment—Yes," or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall cause an assessment in the amount named in the order of submission to be levied; if a majority of the votes cast are "Assessment—No," the result of such election shall be so declared and entered of record. The said supplementary assessment shall be collected and the proceeds disposed of in all respects as hereinabove provided for an original assessment upon which no bonds were issued. Election.

SEC. 80. Before beginning the construction of any canal or canals, storage reservoirs, or works of any kind, as in this act provided for, the board of directors shall give notice, by publication thereof not less than twenty days in one newspaper published in the district, and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder; or they may reject any or all bids and readvertise for proposals or may proceed to construct the work under their own superintendence; *provided*, that in case of emergency or urgent necessity for the construction, extension or repair of works for irrigation or drainage, the board of directors, by unanimous vote of those present at any regular or special meeting, may award contracts therefor without advertising for bids, but the cost of such work shall not exceed five hundred dollars and such additional amount as shall be equal to five cents for each acre of land in the district. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the Bids for construction of work.

board, payable to said district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board.

Investigation by state engineer.

SEC. 81. During the construction of any irrigation works to be paid for out of the proceeds of any bond issue which has been certified by the state irrigation district bond commission as provided in the act creating said commission, the state engineer shall have access to all plans, specifications, and records of such construction, and shall from time to time make such investigations and such reports to the board of directors of the district as he shall deem to be in the interest of the public or of the district.

Payment of cost.

SEC. 82. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund of the particular project as hereinabove provided; *provided, however*, that when any lands, waters, water rights or other property shall be acquired by the district by any lease or contract, under the terms of which the consideration or rental shall be payable in such installments that a like amount shall be payable in each year of the life of such lease or contract, then such rental or consideration shall be paid out of the funds derived from the levying of annual assessments, or from the collection of rates, tolls and charges fixed and collected as hereinafter provided for. For the purpose of defraying the expenses of the care, operation, management, repair and improvement of such portions of such canal and works as are completed and in use, including installments of rental or consideration accruing under any lease or contract as hereinabove in this section mentioned, the board may in lieu (either in part or in whole) of levying assessments as herein provided for, fix rates of toll and charges, for irrigation and other public uses declared by this act, and collect the same from all persons using said canal for irrigation and other purposes.

Tolls and charges.

Right to cross highways, etc.

SEC. 83. The board of directors shall have power to construct the said works across any stream of water, water-course, street, avenue, highway, railway, canal, ditch or flume which the route of said canal or canals may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of the said property, thing, or franchise so to be crossed, can not agree upon the amount to be paid therefor, or the points or the matter of

said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart, to locate, construct, and maintain said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

SEC. 84. The directors when sitting as a board or acting under the orders of the board, shall each receive not to exceed ten dollars per day, and actual and necessary expenses paid while engaged in official business under the order of the board; the board shall fix the compensation to be paid to all officers named in this act, to be paid out of the general fund of the district; *provided*, that said board shall upon the petition of at least fifty freeholders within such district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder, which may include the salary or per diem to be paid to the directors. Such petition must be presented to the board not less than twenty days nor more than forty days prior to a district general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act.

Compensation of directors.

SEC. 85. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Officers not to be interested in contract.

SEC. 86. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first levy of taxes for the general fund, incur indebtedness in such sum or sums as shall amount to not more than ten thousand dollars, and may cause warrants of the district to be issued therefor, bearing interest at not more than seven per centum per annum, said rate to be fixed by the board of directors, and all such warrants must be made payable not later than the first day of July after the first tax levy shall be collected in the district; *and provided, further*, that nothing contained in this section shall be construed as limiting the right of the board to enter into

Debt in violation of law.

any contract or lease for any lands, waters, water rights or other property, as in this act provided for, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract.

When funds
not
available
to pay
warrants.

SEC. 87. Whenever any warrant of the district payable on demand is presented to the treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment, other than warrants issued under the provisions of section eighty-six hereof, when funds of the district are not available to pay the same, the treasurer of Santa Clara county shall endorse thereon the words "funds not available for payment," with the date of presentation and shall specify the interest that such warrants shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment. Whenever there is sufficient money in the treasury to pay all such outstanding warrants or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date, be made and there is sufficient money available for such payments, the county treasurer shall give notice in some newspaper published in the district, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case may be, and no further description of the warrants entitled to payment shall be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the treasurer shall pay it, together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication or posting of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication or posting of said notice. The treasurer shall enter in the record hereinbefore required to be kept, the dates of the payment of all such warrants, the names of the persons to whom payments are made and the amount paid to each person.

Acquisi-
tion of
irrigation
district.

SEC. 88. The board of directors of said district may acquire, by purchase or condemnation the irrigation system, canals and works through which lands in said district have been or may be supplied with water for irrigation, and may exchange bonds of said irrigation district for such system or canals or works or for any portion thereof, or for any interest therein or for the capital stock of any corporation owning such

system or any portion thereof, upon such terms and conditions as the said board of directors may deem best.

SEC. 89. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal, or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses.

Diversion
of water.

SEC. 90. The rights of way, ditches, flumes, pipe lines, dams, water rights, reservoirs, and other property of like character, belonging to said district shall not be taxed for state and county or municipal purposes.

Property
exempt
from
taxation.

SEC. 91. No contest of anything or matter herein provided shall be made other than within the time and manner herein specified, and in any such action all findings of facts or conclusions of said board of directors upon all matters shall be conclusive, unless such action was instituted within six months after such finding or conclusion was made.

Time of
actions.

SEC. 92. For any wilful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the superior court of Santa Clara county by any assessment payer of the district.

Violation
of duty by
official.

SEC. 93. Whenever said district, in the development of its works as law provided, may have opportunity, without increased expenditure, to utilize the water by it owned or controlled, for mechanical purposes not inconsistent with the provisions of said act, the board of directors may lease the same, as in this act hereinafter provided.

Lease of
water for
mechanical
purposes.

SEC. 94. Whenever the board of directors may desire to lease the use of water, as hereinbefore stated, they shall pass a resolution of intention to so lease the same. Immediately thereafter the secretary shall cause notice of such intention to be given by publication in one newspaper published in the district for at least twenty days, and if the board thinks proper in such other newspapers as may be deemed advisable, calling for bids for the leasing of said water for the purposes hereinbefore mentioned. Said notice shall state that the board will receive sealed proposals therefor, that the lease will be let to the highest responsible bidder, stating the time and place of opening said proposals.

Resolution
of
intention
to lease.

SEC. 95. At the time and place appointed the board shall proceed to open the proposals in public. As soon thereafter as may be convenient the board shall let said lease in portions, or as a whole, to the highest responsible bidder, or they may reject any or all bids, and readvertise for proposals for the same.

Lease to
highest
bidder.

SEC. 96. The rental accruing upon said lease may vary from year to year, as shall be specified in said lease, and

Rental
from
lease.

shall be payable semiannually, on the thirtieth day of December and thirtieth day of June of each year. All moneys collected, as in this act provided, shall be paid into the county treasury, and be apportioned to such funds of the district as may be deemed advisable by the board of directors.

Term of
lease.

SEC. 97. The board shall have power, as in this act provided, to execute a lease for any period not exceeding twenty-five years. If at any time the rental shall not be paid on the days hereinbefore mentioned, the amount of such rental then due shall be doubled, and if not paid within ninety days thereafter, the said lease shall be forfeited to said district, together with any and all works constructed, owned, used, or controlled by said lessee.

Bond of
lessee.

SEC. 98. Upon the letting of any lease, as in this act provided, the board may require the lessee to execute a bond for the faithful performance of the covenants of said lease, or give such other evidence of good faith as in their judgment may be necessary.

Generation
of
electrical
energy.

SEC. 99. Said district may provide for the construction, operation, leasing and control of plants for the generation, distribution, sale, and lease of electrical energy, including sale to municipalities, corporations, public utility districts, or individuals, of electrical power so generated; and said district, subject however to the conditions in this section contained, may make special appropriations of water for power purposes, as required by law; *provided, however*, that any use of water for generating such electrical power or energy at any given time of the year, which use is in excess of the water appropriated and beneficially used for irrigation purposes by such district at said period of the year, shall be subject to all prior existing appropriations by any municipal corporation, who or which is proceeding in good faith in the expenditure of money and the construction of works designed to divert the water appropriated; and the officers, agents, and employees of such districts shall have the same powers, duties and liabilities respecting such power and the construction, repair, maintenance, management, and control thereof as they now have or may hereafter have respecting such irrigation or such irrigation districts. This act shall be so construed, applied and enforced as to apply to such power as well as such irrigation.

Construc-
tion, etc.

SEC. 100. The board of directors of said district and its officers, agents, and employees, shall do all necessary and proper acts for the construction, repair, maintenance, and management of such electrical power works for such purposes.

Bonds.

SEC. 101. In case funds are not otherwise available the district may issue bonds for such purpose and all of the provisions of this act, relating to the issuance of bonds for other purposes in so far as the same are applicable to said bonds shall apply.

Change of
boundaries.

SEC. 102. The boundaries of said district may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organi-

zation, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

SEC. 103. The holder or holders, of title, or evidence of title, representing one-half or more of any body of lands adjacent to the boundary of said district, which are contiguous, and which taken together, constitute one tract of land, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are respectively, the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Petition for inclusion of lands.

SEC. 104. The secretary of the board of directors shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of elections for the issue of bonds are required by this act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this act.

Notice.

SEC. 105. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the

Hearing.

boundaries of the district as prayed for in said petition, or to such a change thereof, as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Payments
by peti-
tioners.

SEC. 106. The board of directors may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments, had such lands been included in such district at the time the same was originally formed.

Order
including
land.

SEC. 107. If the board of directors deem it for the best interest of the district that the boundaries of said district be changed and if no person interested in said district or the proposed change of its boundaries shows cause, in writing, why the proposed change should not be made, or, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary; *provided, however,* that any public land of the United States of America adjoining the boundaries of any irrigation district may be included within the boundaries of any such irrigation district by order or resolution of the board of directors of such district without any petition being filed asking for such inclusion; *and provided, further,* that when additional land is included within said district and the board of directors of such district finds either that such inclusion without condition would work an injury to the land already in the district either by an impairment of water right or by requiring a greater expense for furnishing water to the lands proposed to be included, the board may prescribe conditions upon such inclusion of land, either by providing for priority of right to water or for the payment of an additional annual charge of such other conditions as may to the board seem just. If such inclusion is upon petition of property owners all such property owners must sign and acknowledge an agreement with the district, specifying such conditions and describing the land so to be included. Such agreement must be recorded in the office of the county recorder of Santa Clara county, together with a certified copy of the order including such lands, and thereupon such lands shall become a part of said district subject to such conditions.

SEC. 108. If any person interested in said district or the proposed change of its boundaries shall show cause as aforesaid why such boundaries should not be changed and shall not withdraw the same or if the board of directors deem it not for the best interests of the district that the boundaries thereof be changed so as to include therein the lands mentioned in the petition or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the land which will be included within the boundaries of the district when changed, but before calling the election provided for in the next section, the board may require an undertaking, with sufficient sureties, from the petitioners that they will pay all of the cost of holding such election for the inclusion of such lands in case such inclusion should be denied.

Resolution
if objection
to inclu-
sion.

Bond of
petitioners.

SEC. 109. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said act in case of a special election to determine whether bonds of the district shall be issued. The ballots cast at said election shall contain the words "for change of boundary," or "against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Election.

SEC. 110. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Result of
election.

SEC. 111. Upon a change of the boundaries of the district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of Santa Clara county, and thereupon the district shall be and remain an irrigation district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had

Filing
order
making
change

been included therein at the original organization of the district.

Petition
recorded in
minutes.

SEC. 112. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

Signature
by guardian
or executor.

SEC. 113. A guardian, an executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed.

Redivision
of district.

SEC. 114. In case of the inclusion of any land within the district by proceedings under this act, the board of directors must, at least thirty days prior to the next succeeding general election, make an order redividing such district into six divisions, which shall be numbered first, second, third, and so on, and a director, or directors, shall thereafter be elected by each division as hereinabove provided. For the purposes of elections, the board of directors must establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time by the board of directors in the manner hereinbefore provided.

Dissolution.

SEC. 115. All laws of the State of California providing for the dissolution of irrigation districts shall apply to said Santa Clara county irrigation district as to other irrigation districts.

CHAPTER 823.

An act to amend sections two, three, four, five and six of an act known as "the building and loan commission act," approved April 5, 1911.

[Approved June 3, 1921. In effect immediately.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 918,
amended.

Building
and loan
commissioner.

SECTION 1. Section two of the building and loan commission act is hereby amended to read as follows:

Sec. 2. The administration of said bureau shall be vested in a commissioner, to be known and designated as the "building and loan commissioner," who shall be appointed by the governor and commissioned to hold office at the pleasure of the governor. He must be a citizen of this state; and he must not be in any way connected with any association, corporation or society coming under his supervision. He shall appoint a chief deputy building and loan commissioner with full powers

as such, who must be a practical, skilled accountant, fully conversant with building and loan systems and accounts; he shall also appoint one deputy who shall be an accountant.

SEC. 2. Section three of said act is hereby amended to read as follows:

Stats. 1917,
p. 819,
amended.
Salaries.

Sec. 3. The commissioner shall receive a salary of four thousand dollars per annum, the chief deputy shall receive a salary of two thousand five hundred dollars per annum, and the deputy two thousand four hundred dollars per annum, and such salaries shall be in full for all services rendered. There shall also be allowed and paid the necessary traveling expenses of the commissioner and his deputies incurred while traveling in the line of their duties, not to exceed the sum of one thousand six hundred dollars per annum. The commissioner shall procure and have an office in the city of San Francisco, which office shall be kept open for business every business day, during such hours as are commonly observed by the banks of that city as banking hours. For such office there shall be allowed and paid a total rental of not exceeding one hundred dollars per month. Said commissioner may also provide such fuel, stationery, printing, postage, office help and other necessary conveniences as may be requisite in such office, at a cost not to exceed in the aggregate the sum of one thousand eight hundred dollars per annum. All said salaries and expenses shall be audited and paid in the same manner as the salaries and expenses of other state officers.

Office.

SEC. 3. Section four of said act is hereby amended to read as follows:

Stats. 1911 ex.,
p. 7,
amended.
Official
bonds.

Sec. 4. Before entering upon their duties, the commissioner and his deputies shall each execute an official bond in the penal sum of five thousand dollars, each of which bonds must be guaranteed by a duly authorized surety or bonding company, the premium on which shall be paid from the allowance for office expenses. Any bond executed under this section must be approved by the governor and filed and reported in the office of the secretary of state, and such commissioner and deputies must take the oath of office as prescribed by the Political Code for the state officers in general.

SEC. 4. Section five of said act is hereby amended to read as follows:

Stats. 1911,
p. 610,
amended.
License.

Sec. 5. It shall be the duty of the commissioner to furnish all associations, corporations or societies, which, in his judgment, legally come under his jurisdiction, and that have otherwise complied with the requirements of law, a license authorizing them to transact business for one year from the date of said license; to receive and place on file in his office the annual or other reports required by law to be made by building and loan associations, licensed by him; to supply each with blank forms for such statement; and to make, on or before the first day of October in each year, a tabulated report to the governor of this state, showing the condition of all such associations, corporations or societies reporting to him, with such recommenda-

Report to
governor.

tion as he may deem proper, accompanied by a detailed statement of all moneys received by him since his last report and the disposition thereof.

Stats. 1915,
p. 893,
amended.

Duties of
commis-
sioner.

SEC. 5. Section six of said act is hereby amended to read as follows:

Sec. 6. It shall be the duty of the commissioner, in person, or one of his deputies at least once in each year, without previous notice, to visit and examine into the affairs of every such association, corporation or society licensed by him, incorporated or doing business in this state; on such occasions he shall have free access to all the books, records, securities and papers of every such association, corporation or society, and shall first count the cash and check the bank balance of such corporation or association with the proper amount of funds as shown by the books to be on hand and at the date and hour of such examination, and shall then examine and verify the books, accounts, and securities, and, so far as possible and consistent, the values of all property owned or held as collateral security for moneys loaned, and otherwise use reasonable diligence to ascertain the financial condition and solvency thereof. He and his deputies shall have power to administer oaths in the line of duty, and to examine under oath the officers, employees and agents, or the custodian or receiver, relative to any or all the business thereof. Whenever the result of any such examination shall develop a condition demanding an extended audit of the books and affairs, the commissioner may, for such purpose, appoint a competent auditor at the expense of the association, corporation or society examined. The expense of such audit shall be fixed by the commissioner and shall not exceed fifteen dollars per diem, plus traveling and hotel expenses, for each day actually engaged in the making of the audit and the preparation of the report.

Corporation
formed in
another
state.

The commissioner or his deputies shall examine, or cause to be examined, the books and affairs of any such association, corporation or society formed under the laws of any other state, territory or foreign country applying for a license to enter this state for the transaction of business, prior to the granting of such license and annually thereafter, and for every such examination made outside the state the actual traveling and hotel expenses incurred shall be paid by the association, corporation or society so examined; *provided*, that the result of any similar examination made and certified by the duly constituted authorities of any state having similar laws of supervision may be accepted by the commission.

Urgency
measure.

SEC. 6. So much of this act as relates to increased allowances for "office expenses," "office rent" and "traveling expenses," the same being the ordinary current expenses, and a present necessity for the proper conduct of the bureau of building and loan supervision of the state, is hereby declared to be an urgency measure within the meaning of section one of article four of the constitution, and as such shall take effect immediately.

CHAPTER 824.

An act to amend section four hundred twenty-one of the Civil Code, relating to investments of insurance companies.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred twenty-one of the Civil Code is hereby amended to read as follows:

421. I. Corporations organized under the laws of this state for the transaction of any kind of insurance business authorized by such laws may invest their capital, surplus and accumulations in the purchase of, or loans upon, any of the securities specified in the following subdivisions, to wit:

(a) Bonds or interest-bearing notes or obligations of the United States or those for which the faith and credit of the United States are pledged for the payment of principal and interest. U. S. bonds.

(b) Bonds or interest-bearing notes or obligations of the Dominion of Canada or any province of the Dominion of Canada, or those for which the faith and credit of the Dominion of Canada or any province of the Dominion of Canada are pledged for the payment of principal and interest. (Canadian bonds)

(c) Bonds of this state or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, and bonds of any other state or territory in the United States that has not, within five years next preceding such investment by such insurance company, defaulted in payment of any part of either principal or interest due upon any legally authorized bond issue. State bonds.

(d) Bonds or interest-bearing notes or obligations issued under authority of law by any city, city and county, county, municipality, or school district in this state or in any other state or territory of the United States or in any province of the Dominion of Canada: *provided*, that said city, city and county, county, municipality, or school district, or the state, territory or province in which it is located has not within two years next preceding such investment by such insurance company defaulted in the payment of any part of either principal or interest due upon any legally authorized bond issue. Local government bonds.

(e) Bonds of any permanent road division in this state, and bonds of any reclamation district, irrigation district, municipal water district, county water works district, or of any other district, which are, by the express terms of the law of this state, made legal investments for savings banks or insurance companies. District bonds.

(f) Notes or bonds secured by mortgage or deed of trust or other lien upon improved or unimproved unincumbered real property; *provided*, that the principal so loaned or the entire note or bond issue so secured shall not exceed sixty per centum First mortgage notes.

of the market value of such real estate, or of such real estate with improvements taken as security at the date of investment; *provided, also*, in case said loan is made, or said note or bond issue created for a building loan on real estate, that at no time shall the principal so loaned, or the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security; *provided, also*, that real property shall not be deemed to be incumbered or subject to lien within the meaning of this section by reason of the existence of tax liens or outstanding mineral, oil or timber rights, rights of way, sewer rights, rights in walls, nor by reason of building restrictions, or other restrictive covenants, nor when such real property is subject to lease under which rents or profits are reserved to the owner: *provided*, that security for such loan is a first lien upon such real property and that there is no condition or right of re-entry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed.

Notes
guaranteed
by policy of
mortgage
insurance.

(g) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division first of the Civil Code; *provided*, that no insurance corporation shall make any investment in any of the securities hereinbefore in this section specified at a cost exceeding the market value of such security, at the date of such investment.

Collateral
trust
bonds or
notes.

(h) Collateral trust bonds or notes when secured by either

(1) Deposit of bonds or notes authorized for investment by this section of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or

(2) Deposit of bonds authorized for investment by this section and other securities of a combined market value at least twenty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by bonds authorized for investment by this section.

(3) Deposit of any notes or bonds authorized for investment by this section and other securities of a combined market value of at least thirty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of such collateral trust bonds or notes issued shall in no case exceed the market value of that portion of the security represented by notes or bonds hereinbefore in this section authorized for investment; *provided, further*, that the collateral pledged consist of bonds authorized for investment by this section of the market value of at least seventy-five per centum of the par value of such collateral trust bonds or notes issued.

II. Corporations organized for and engaged in the business of fire, life or marine insurance, may, after the investment of two hundred thousand dollars, and corporations organized for and engaged in the business of transacting any other kind of insurance authorized by law, except mortgage insurance, may also, after the investment of one hundred thousand dollars in any of the securities specified in subdivision I of this section, invest the balance of their capital, surplus and any accumulations in the purchase of or loans upon the stock of any corporation (except a mining corporation) organized and carrying on business under the laws of this state, or the laws of the United States, which stocks have, at the date of such investment, a market value of not less than their paid-in value, or in the purchase of, or loans upon, interest-bearing bonds, notes, or other obligations issued by a corporation organized under the laws of any state or territory in the United States, or bonds of any permanent road division, reclamation district, irrigation district, or any other district of any state which are legal investments for savings banks of this state. Nothing herein shall authorize the purchase of or loans upon such obligations of any corporation or district which within five (5) years next preceding shall have defaulted in payment of any part of either principal or interest of any bond, note or obligation offered. Stocks, bonds, notes or obligations must, in each case, be rated as first-class securities; *provided*, that any investment made, under the provisions of this subdivision of this section shall be approved by a vote of two-thirds of all the directors of the investing corporation. Such approval shall be entered upon the records or minutes of such corporation. Such entry must show the fact of making such investment, the amount thereof, the name of each director voting to approve the same, the amount, character and value of the security purchased or taken as collateral, and if the investment be a loan, the name of the borrower, the rate of interest thereon, and the date when the loan will become due or payable. It shall be the duty of the secretary of any such investing corporation to report in writing during the months of January and July of each year to the insurance commissioner the data above set forth respecting each such investment, and the insurance commissioner may, if any such investment is not approved by him, require the corporation to sell or dispose of the same.

III. Life insurance companies may also loan upon their own policies: *provided*, that the amount so loaned upon each policy shall not exceed the reserve against such policy at the time said loan was made; *provided, further*, that no policy loans whatever shall ever be used as security which may be deposited with the insurance commissioner under section six hundred thirty-four of the Political Code. The amount loaned by a company upon its own policies shall be credited to said company in determining the amount of deposit required to comply with the provisions of section six hundred

Investment
of balance
of capitalPolicy
loans of
life
insurance
companies.

thirty-four of the Political Code, and such loans shall be deducted from the net value of the registered policies.

Company
doing
business
in foreign
country.

IV. Any insurance company of this state doing business in any foreign country may invest so much of its funds as are required to meet its obligation incurred in such foreign country and in conformity to the laws thereof, in the same kind of securities issued in such foreign country that such company is by law allowed to invest in this state, and subject to the limitations imposed by law in this state.

CHAPTER 825.

An act to amend section six hundred thirty-four of the Political Code, relating to registration of policies of life insurance companies.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Registra-
tion of
policies of
life
insurance
companies.

634. It shall be lawful for any company or corporation transacting the business of life insurance in this state to register with the insurance commissioner its policies; *provided*, that any company electing to register any of its policies shall thereafter be required to register each policy issued by it so long as it continues to register any of its policies. Such registration shall show the name and age of the insured, number and date of the policy and the kind and amount of insurance in each case. Each policy thus registered shall have upon its face a certificate substantially in the following words: "This policy is registered and the reserve is deposited as required by section six hundred thirty-four of the Political Code of California," which certificate shall be signed by such commissioner and sealed with the seal of his office. For each such registration certificate, the company must pay a fee of twenty-five cents. Upon registering such policies from time to time, the company must deposit with the commissioner as a special deposit for the benefit of such registered policies, securities of the denominations stated in section four hundred twenty-one of the Civil Code as permissible for the investment of the capital and accumulations of insurance companies, and said commissioner shall give his receipt therefor, and the state shall be responsible for the custody and safe return of any securities so deposited. Such deposit must be in an amount equal to the full net value of all policies registered up to the time of making the deposit, less the amount loaned on such registered policies and must at all times be equal to such net value of all registered policies, after deducting the amount loaned on such registered policies from such net values. Upon receipt of such securities, the commissioner must

immediately deposit them in the state treasury, in accordance with the provisions of section six hundred eighteen of the Political Code, where they must remain as a special security for the benefit of such registered policies. Such company may at any time withdraw any excess of securities above the net present value hereinbefore specified, upon satisfying said commissioner by written proof that such excess exists, and shall be allowed to receive the interest on all securities deposited, and to exchange such securities by substituting other securities of the character in which, by the laws of this state, it may invest its funds. In case such company owns the building in which it has its principal office and the land upon which it stands, or owns other land requisite for its accommodation in the convenient transaction of its business, as authorized by the provisions of section four hundred fifteen of the Civil Code of the State of California, and said land is located in the State of California, said company may, with the permission of the insurance commissioner, mortgage said land and the improvements thereon to the said insurance commissioner for such sum, not exceeding the market value thereof, as said insurance commissioner may determine, and such mortgage may be deposited in the state treasury and shall be included in the amount of securities herein required to be deposited as security for the benefit of such registered policies, and such company may withdraw such mortgage upon substituting therefor other securities of the character herein specified, and the insurance commissioner shall have full power and authority to release any such mortgage and to foreclose the same in case such foreclosure becomes necessary. Should any such company thus registering policies thereafter become insolvent, the insurance commissioner shall have full authority to reinsure all or any part of such registered policies and may use the securities thus deposited for such purpose.

CHAPTER 826.

An act to amend sections eight, ten, eleven and eighteen and one-half of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section eight of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, is hereby amended to read as follows: Stats. 1917. p. 944, amended.

Sec. 8. Such company may issue policies on detached dwellings, schoolhouses, churches, and farm buildings (except What may be insured.)

hotels and public barns or garages); and such property as may be contained therein; also, on property owned by the assured on the premises or stored in public or private warehouses outside the corporate limits of any city or town; and may also enter into contracts with one or more other county fire insurance companies for mutual reinsurance and to reinsure or issue policies of reinsurance upon risks carried by any of such companies; *provided*, that insurance upon personal property owned by the insured including automobiles and live stock permitted under this act, shall continue in full force and effect during the use or transportation thereof in the ordinary course of business of the insured wherever the same may be located at the time of loss; all for any time not exceeding five years and not to extend beyond the time limited for the existence of the charter; *provided, however*, that if an amount in excess of six thousand dollars subject to one risk or hazard be written, then all in excess of this amount must be immediately placed with or reinsured in some other company; *provided, also*, that no company that has been organized less than three months shall write insurance in excess of two thousand dollars subject to one risk without immediately reinsuring all in excess of that amount and no company organized more than three months shall write insurance subject to one risk in excess of one per cent of the amount of insurance in force on the books of that company at that time without immediately reinsuring all in excess of that amount. All persons, whose property is so insured, shall give their obligations to the company binding themselves, their heirs and assigns to pay their pro rata share to the company of the necessary expense and loss by fire which may be sustained by any member thereof during the time for which their respective policies are written; and they shall also at the time of effecting the insurance pay such percentage in cash and such other charges as may be required by law or by the rules and by-laws of the company.

Reinsur-
ance.

Pro rata
share of
expense
and loss.

Stats 1917,
p. 1144,
amended.

Insuring
outside
county or
in city.

SEC. 2. Section ten of the said act is hereby amended to read as follows:

SEC. 10. No such company shall insure any property beyond the limits of the county wherein the said company is organized, excepting that the company may insure in any county next adjoining the county wherein such company is organized. No such company shall issue policies covering on property in excess of six thousand dollars on any one risk or hazard under one or more policies, without immediately reinsuring the excess amount in some other company. Nor shall any such company assume a risk or risks on property situated in the limits of any city or town, or within any closely built up district, within any one block, without immediately reinsuring all in excess of six thousand dollars. Any such company may reinsure or accept reinsurance in any company operating under the provisions of this act or in any company organized for the purpose of providing reinsurance for county mutual fire

insurance companies or under any agreement for mutual reinsurance between two or more county mutual fire insurance companies, but in no case shall the reinsurance taken by any one company exceed the amount of the risk written by the company originating the business. The character of, and number of risks reinsured shall not vary from that permitted in the case of original insurance. Where the amount of insurance covered by policies already written amounts to six thousand dollars, no additional insurance shall be written by such company on farm property, unless covered by reinsurance, nor shall any risk be taken on any building closer than one hundred feet to any business property, nor shall any insurance be written by any such company on city or country property in excess of seventy-five per cent of its actual cash value and no additional insurance shall be allowed.

For the purpose of this act "a city or town block" shall be construed to be an area having at least one frontage in a closely built up district fronting on a used public street or highway, surrounded on all sides by a clear space at least equal in width to the clear space of such public street or highway and containing an area of not more than one hundred sixty thousand square feet. Terms defined.

"Closely built up district" shall mean territory on the line of a public highway or street or block or blocks where for not less than a quarter of a mile the dwelling-houses and business structures average less than one hundred feet apart.

"One risk" means one hazard under one or more policies, subject to one fire and relates to the amount named in the policy or policies.

"Clear space" means space free from combustible material likely to communicate fire.

Sec. 3. Section eleven of the said act is hereby amended to read as follows: Stats. 1909, p. 912, amended.

Sec. 11. Every member of such company who may sustain loss or damage by fire shall immediately notify the president, or in his absence the secretary, thereof, stating the amount of damage or loss sustained or claimed, and if not more than one thousand five hundred dollars, then the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for damage or loss be for an amount greater than one thousand five hundred dollars, then the president of such company, or in his absence, the vice president, or in the absence of both, the secretary thereof, shall forthwith convene the board of directors of such company, whose duty it shall be when convened, to ascertain the amount of such damage or loss and adjust the same. If in either case there is a failure of the parties to agree upon the amount of such damage or loss they may submit the question of the amount of such loss to arbitration, and in that event the president of the company shall appoint one disinterested person to act as an arbitrator, and the claimant or insured shall Arbitration.

appoint another, and if such two arbitrators fail to agree upon the amount of such loss, then they shall select a third disinterested person to act with them, and such arbitrators so appointed shall have full authority to examine witnesses and to do all other things necessary to the proper determination of the amount of loss sustained by the claimant, and shall make their award in writing to the president of the company, and to the insured, and such award so as aforesaid made, shall be final as to the amount of the loss sustained. The pay of said committee shall be three dollars per day for each day's services so rendered, and five cents for each mile necessarily traveled in the discharge of their duties, which shall be paid by the claimant unless the award of such committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case such expense shall be paid by the company.

Stats. 1917,
p. 945,
amended.

Form of
county fire
insurance
policy.

SEC. 4. Section eighteen and one-half of said act is hereby amended to read as follows:

Sec. 18½. The following is adopted as a standard form of county fire insurance company's policy for the State of California:

CALIFORNIA STANDARD FORM COUNTY FIRE INSURANCE POLICY.

No. _____ Amount \$_____ Rate _____ No
other insurance permitted except by agreement indorsed hereon or added hereto. (Here insert name of company, and place of its main office in California, and name of the county in which incorporated or organized.) By this policy of insurance the _____ of _____ county, in consideration of _____ dollars, and the obligation as described herein and in application, does accept as a member and insures _____ against loss or damage by fire during a term of _____ years, commencing at noon on the _____ day of _____, one thousand nine hundred and _____, and terminating at noon on the _____ day of _____, one thousand nine hundred and _____, to the amount of _____ dollars on the following property, to wit: (Blank space for the attachment of forms.) For a more particular description, and as forming a part of this policy, reference is had to application No. _____ on file in the office of this company.

This company will not be liable beyond the actual cash value of the interest of the insured in the property at the time of loss or damage nor exceeding what it would then cost the insured to repair or replace the same with material of like kind and quality: said cash value to be estimated without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating repair or reconstruction of buildings, and without compensation for loss resulting from interruption of business or manufacture.

This policy is made and accepted subject to the foregoing stipulations and conditions and those hereinafter stated, which are hereby specifically referred to and made a part of this policy, together with such other provisions, agreements or conditions as may be indorsed hereon or added hereto, and no

officer, agent, or other representative of this company shall have power to waive any provision or condition of this policy except by writing indorsed hereon or added hereto, and no person unless duly authorized in writing shall be deemed the agent of this company.

The charter and by-laws of this company are to be resorted to and used to explain the rights and obligations of the parties hereto in all cases not herein otherwise especially provided for, and are hereby made a part of this policy. This policy is made and accepted upon the above expressed condition.

This policy shall not be valid until countersigned by the duly authorized secretary of the company at -----, California.

In witness whereof, this company has executed and attested these presents (here insert the name of company) by -----, President. Countersigned at -----, California, this ----- day of -----, one thousand nine hundred -----, -----, Secretary.

STIPULATIONS AND CONDITIONS SPECIALLY REFERRED TO.

Stipulations and Conditions—Property not covered. (a) Stipulations and conditions. This company shall not be liable for loss to accounts, bills, currency, evidence of debt or ownership of other documents, money, notes, or securities; nor (b) unless liability is specifically assumed hereon, for the loss of bullion, casts, curiosities, drawings, dies, jewels, manuscripts, medals, models, patterns, pictures, scientific apparatus, business or store or office furniture or fixtures, sculptures, frescoes and decorations, or property held on storage or for repair.

Hazards not covered. This company shall not be liable for loss by (a) theft, or (b) neglect of the insured to use all reasonable means to save and preserve the property at and after a fire, or when the property is endangered by fire; or (c) (unless fire ensues, and in that event the damage by fire only) by explosion of any kind or lightning; or (d) by invasion, insurrection, riot, civil war, or commotion, or (except as hereinafter provided) by military or usurped power, or order of any civil authority, but the company will be liable, unless otherwise provided by indorsement hereon or added hereto, if the property is lost or damaged, by fire or otherwise, by civil authority or military or usurped power exercised to prevent the spread of fire not originating from a cause excepted hereunder and which fire otherwise probably would have caused the loss of or damage to the insured property.

Matters Avoiding Policy—This entire policy shall be void, Matters voiding policy. (a) if the insured has concealed or misrepresented any material fact or circumstances concerning this insurance or the subject thereof; or (b) in case of any fraud or false swearing by the insured touching any matter relating to this

insurance or the subject thereof, whether before or after a loss.

Unless otherwise provided by agreement indorsed hereon or added hereto this entire policy shall be void, (a) if the insured now has or shall procure any other insurance, whether valid or not, on property covered in whole or in part by this policy, or (b) if the interest of the insured be other than unconditional and sole ownership, or (c) if the subject of insurance be a building on ground not owned by the insured in fee simple, or (d) if with the knowledge of the insured foreclosure proceedings be commenced or notice given of sale of any property covered by this policy by virtue of any mortgage or trust deed, or (e) if this policy be assigned before a loss.

Matters
suspending
insurance.

Matters Suspending Insurance—Unless otherwise provided by agreement indorsed hereon or added hereto this company shall not be liable for loss or damage occurring (a) while the hazard be materially increased by any means within the control of the insured; or (b) if the subject of insurance be a manufacturing establishment, while it is operated in whole or in part at night later than ten o'clock or while it ceases to be operated beyond the period of ten consecutive days; or (c) while mechanics or artisans are employed in building or altering or repairing the described premises for more than fifteen days at any one time; or (d) while illuminating gas or vapor be generated in the described building (or adjacent thereto) for use therein; or (e) while there be kept, used or allowed on the described premises (any usage or custom of trade or manufacture to the contrary notwithstanding), calcium carbide, phosphorus, dynamite, nitroglycerine, fireworks or other explosive; or exceeding one quart each of benzine, gasoline, naphtha or ether; or more than twenty-five pounds of gunpowder; or (f) while a building herein described whether intended for occupation by owner or tenant is vacant or unoccupied beyond the period of ten (10) consecutive days; (g) while the interest in, title to or possession of the subject of insurance is changed excepting: (1) by death of the insured; (2) change of occupancy of building without material increase of hazard; and (3) transfer by one or more several copartners or co-owners to the others.

Such suspension shall not extend beyond the term of this policy nor create any right for refund of the whole or any portion of premium, nor affect the respective rights of cancellation.

Chattel
mortgage.

Chattel Mortgage—Unless otherwise provided by agreement in writing indorsed hereon or added hereto this company shall not be liable for loss or damage to any property insured hereunder while encumbered by a chattel mortgage, but the liability of the company upon other property hereby insured shall not be affected by such chattel mortgage.

Fallen Building Clause—Unless otherwise provided by agreement indorsed hereon or added hereto, if a building or any material part thereof fall, except as the result of fire, all insurance by this policy on such building or its contents shall immediately cease. Fallen building clause.

Removal When Endangered by Fire—Should any of said property be necessarily removed because of danger from fire, and there is no other insurance thereon, that part of this policy in excess of the value of the insured property remaining in the original location, or, if there is other insurance thereon, that part of this policy in excess of its proportion of the value of the insured property remaining in the original location, shall, for the ensuing five days only, cover the said removed property in its new location or locations. Removal when endangered by fire

Cancellation—This policy may be canceled and the insured as a member of this company may withdraw therefrom by the insured surrendering his policy for cancellation at any time while the company continues the business for which it was organized, by giving notice in writing to the secretary thereof and paying his share of all claims that may exist against this company; *provided*, that this company shall have power to cancel or terminate any policy by giving the insured five days written notice to that effect and returning to him any excess of premium he may have paid during the term of the policy, over the cost of his insurance as measured by the rate of standard fire insurance companies doing business in this state. Cancellation.

Assignment—This company may give its consent in writing allowing the assignment of this policy upon the bona fide sale of the property insured herein; *provided*, within thirty days from the transfer of the title to the within property and upon the assignment thereof said purchaser or his agent signs an agreement becoming a member and accepting the conditions of the within policy; otherwise this policy to be null and void, except as to holders of a mortgage or deed of trust. Assignment.

Adjustment of Losses—Arbitration—The insured who may sustain loss or damage by fire shall immediately notify the president, or in his absence, the secretary of this company, stating the amount of damage or loss sustained or claimed and if not more than one thousand five hundred dollars then the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for damage or loss be for an amount greater than one thousand five hundred dollars, then the president of this company, or in his absence, the vice president, or in the absence of both the secretary thereof, shall forthwith convene the board of directors of said company, whose duty it shall be when convened to adjust the same. If in either case there is a failure of the parties to agree upon the amount of such damage or loss they may submit the question of the amount of such loss to arbitration, and in that event the Adjustment of losses.

president of the company shall appoint one disinterested person to act as an arbitrator, and the claimant or insured shall appoint another, and if such two arbitrators fail to agree upon the amount of such loss, then they shall select a third disinterested person to act with them and such arbitrators so appointed shall have full authority to examine witnesses and to do all other things necessary to the proper determination of the amount of loss sustained by the claimant, and shall make their award in writing to the president of the company and to the insured, and such award, so as aforesaid made, shall be final as to the amount of loss sustained. The pay of said committee shall be three dollars per day for each day's services so rendered and five cents for each mile necessarily traveled in the discharge of their duties, which shall be paid by the claimant unless the award of such committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case such expense shall be paid by the company.

Option of company in case of loss.

Option of Company in Case of Loss—This company may, at its option, take all or any part of the property for which insurance hereunder is claimed at its ascertained or appraised value, and may also, at its option, in satisfaction of its liability hereunder, repair, rebuild, or replace any building or structure or machine or machinery used therein, with other of like kind and quality, within a reasonable time, upon giving notice within twenty days of its intention so to do after the receipt by it of the preliminary proof of loss, or, if verified amendments have been requested, within twenty days after their receipt, or, within twenty days after the receipt of an affidavit that the insured is unable to furnish such amendments. There can be no abandonment to this company of any property.

Apportionment of loss.

Apportionment of Loss—This company shall not be liable under this policy for a greater proportion of any loss on the described property, or for loss by, and expense of, removal from the premises endangered by fire, than the amount hereby insured bears to the entire insurance covering such property whether valid or not, or by solvent or insolvent insurers.

Assessment for deficiency.

Assessment for Deficiency—When the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of this company, who shall proceed in the manner as provided in section twelve of this act.

Notice of assessment.

Notice of Assessment—It shall be the duty of the secretary, whenever assessment shall have been made, to immediately notify every person holding a risk in this company, personally, by an agent, or by letter directed to his usual post-office address, of the amount of such loss, and the sum due from him, as his share thereof, and of the time and to whom such payment is to be made; but such time shall not be less than thirty days, nor more than ninety days from date of such notice.

Action for Neglect or Refusal to Pay Assessments—An action may be brought against the member whose property is insured herein and this policy is automatically suspended if the insured shall not have paid, before it is delinquent, his portion of any assessment levied or other liability due this company for a period in excess of ninety days. The directors of this company who shall wilfully refuse or neglect to perform the duties imposed upon them by law or the by-laws of the company, shall be liable in their individual capacity to the person sustaining such loss. An action may also be brought and maintained against this company by members thereof for losses sustained if payment is withheld after the amount of such losses have been determined and is due by the terms of the policy.

Action for neglect or refusal to pay assessments.

Nonwaiver by Appraisal or Examination—This company shall not be held to have waived any provision or condition of this policy of any forfeiture thereof, by assenting to the amount of the loss or damage or by any requirement, act or proceeding on its part relating to the appraisal or to any examination herein provided for.

Non-waiver.

Subrogation—If this company shall claim that the fire was caused by the act of any person or corporation, this company shall, upon payment of the loss be subrogated to the extent of such payment to all right of recovery by the insured for the loss resulting therefrom, and such right shall be assigned to this company by the insured on receiving such payment.

Subrogation.

Time for Commencement of Action—No suit or action on this policy for the recovery of any claim shall be sustained, until after full compliance by the insured with all of the foregoing requirements, nor unless begun within fifteen months next after the commencement of the fire.

Time for commencement of action.

Definitions—Wherever in this policy the word “insured” occurs, it shall be held to include the legal representatives of the insured in case of death, and wherever the word “loss” occurs, it shall be deemed the equivalent of “loss or damage,” and wherever the words “the time of loss or damage” are used they shall be deemed the equivalent of “the time of the commencement of the fire.”

Definitions.

There shall be printed on the outside fold of said policy in type not smaller than small pica the following words in this form:

Statement on outside of policy.

READ THIS POLICY.

Insurance company is liable only for actual cash value.

Policy is void in case of any fraud, false swearing, misrepresentation or concealment about material facts.

Policy is void, unless otherwise agreed in writing, if

1. It is assigned before loss;
2. Insured has or shall procure other insurance;
3. Any change occurs in location of property;
4. Insured building is on ground not owned in fee simple by the insured;
5. Insured is not sole and unconditional owner.

Policy is suspended unless otherwise agreed in writing, if

6. Described building becomes vacant or unoccupied for ten days;

7. Mechanics are employed more than fifteen days in repairing same;

8. Property is or becomes encumbered by chattel mortgage;

9. Illuminating gas or vapor is generated in or adjacent to described building;

10. Explosives or prohibited quantities of gasoline, etc. (except the gasoline contained in automobiles and gas engine tanks), as are kept on premises; and provided, also, that the insurance on live stock and automobiles shall cover wherever located at the time of the fire.

(Paster.)

Insurance ceases if described building or any material part falls except as result of fire.

Policy does not cover certain enumerated personal property.

Note particularly duty of insured in case of loss: also provisions avoiding or suspending policy, including changes of ownership or possession.

Dwelling house and contents form.

DWELLING-HOUSE AND CONTENTS POLICY FORM.

\$----- on the ----- dwelling-house and all its additions, foundations, porches, verandas and screens, including all permanent wall and ceiling decorations, frescoes, gas, steam, water, heating and lighting fixtures and connections, and all other permanent fixtures attached to and forming a part of the building, situate -----, California.

\$----- on household furniture, useful and ornamental, family wearing apparel, family stores and supplies, and all other personal effects of every kind and description (except accounts, bills, currency, evidences of debt or ownership, or other documents, money, notes, securities, bullion, drawings, dies, manuscripts, medals, models and patterns) including casts, curiosities, pictures, scientific apparatus and sculptures, the property of the insured or of any member of the insured's household, unless specifically insured, all contained in the above-described dwelling-house.

Loss, on building, if any, payable to -----.

Claim for loss on any one picture, piece of statuary, curiosity, or work of art, shall not exceed the cost of same, and unless specifically insured, shall not exceed one hundred dollars.

The privilege for the within described dwelling to remain vacant or unoccupied is hereby increased to thirty (30) consecutive days.

Permission is granted for mechanics or artisans to make alterations or repairs to the within described building for

more than fifteen (15) days at any one time, and to build additions, this policy to cover on and in same under the respective items hereof.

Permission is hereby granted (when not prohibited by local ordinance) for the use of gasoline stoves or lamps, it being warranted by the insured that the reservoir attached to each stove or lamp be filled during daylight only, and then only when the stove or lamp is not in use, and that no artificial light be permitted in the room when the reservoir is being filled, and that no gasoline, except that contained in the reservoir, shall be kept within the building. A breach of this warranty renders this permit null and void.

Attached to policy No. _____ of the _____ Dated _____, 19____, _____, Secretary.

(Pastor.)

By special agreement indorsed on the policy or added thereto, the provisions regarding appraisalment or apportionment of loss may be waived and the valuations of all or any of the insured property in case of total loss may be agreed upon in advance of loss.

Said standard form of policy shall be plainly printed and no portion thereof shall be in type smaller than small pica and subheads shall be in type larger than pica, and the lines of the policy shall be numbered consecutively. Standard form of policy.

All mutual fire insurance policies on property in California shall be on standard form, and except as herein provided, shall not contain additions thereto. No part of the standard form shall be omitted therefrom.

The blanks in said standard form shall be appropriately filled. The company may add to the standard form any matter relating to its financial condition, directors, officers, stockholders and history, and the address of its home office, and principal office in the state; also in red ink any provisions respecting any limitations of liability of the company, its stockholders or members which it is required or permitted by law of the state or county of its organization to insert in its policies.

Clauses may be added to the standard form providing for and defining the rights, duties and obligations of mortgagees, assignees and other parties who have acquired or may acquire an interest in, right to or lien upon the insured property.

No clause shall be inserted or rider attached affecting the standard form liability of the insurer for loss or damage by fire occasioned either directly or indirectly by earthquake, hurricane, volcanic action or other disturbance of nature, unless the same shall be printed in red ink in type larger than small pica and at the head of the policy there shall be printed in red ink in large bold-faced type the words, "This policy contains limitations of liability not permitted in the California standard form."

Clauses may be added to the standard form (a) covering property and risks not otherwise covered; (b) assuming greater liability than is otherwise imposed on the insurer; (c) granting insured permits and privileges not otherwise provided; (d) waivers of any of the matters, voiding the policy or suspending the insurance; (e) waivers of any of the requirements imposed on the insured after loss.

Except as herein otherwise provided clauses may be attached to the standard form by separate riders in type larger than pica imposing specified duties and obligations upon the insured and limiting the liability of the insurer.

Any insurer, or the agent countersigning or issuing a fire insurance policy covering in whole or in part property in California varying from the California standard form of policy except as herein provided is guilty of a misdemeanor but any policy so issued shall notwithstanding be binding upon the company issuing the same.

CHAPTER 827.

An act to add to the Political Code a new section, to be numbered three thousand four hundred sixty-seven, relating to the power of trustees of reclamation districts to make rules and regulations for furnishing water for the irrigation of lands in the district, fixing charges and rates for the same; collection of the same, levying assessments for the same on the lands in the district, providing for a special fund kept by the county treasurer in which sums collected for irrigation shall be kept, and providing for the paying out said fund on orders or warrants by the trustees for the costs of irrigation.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered three thousand four hundred sixty-seven, to read as follows:

Rules for
distribution
of water.

3467. In all reclamation districts where plans have been adopted by the trustees of the district for the irrigation of the lands in said district, the trustees of the district shall have power to adopt rules and regulations for the distribution of said water, and adopt a schedule of rates to be charged by the district for furnishing said water by the district for the irrigation of lands in the district, and shall have the right to collect the same from the person or persons to or for whom said water was furnished, and to sue in the name of the district for the recovery of the same and such charges as fixed by said trustees if not paid, at the time when made payable by said

Rates.

trustees, shall be assessed by the commissioners of assessment appointed to levy an assessment on the lands in the district as a lien and charge upon the tract of land to which water was actually furnished and on which the same was used for irrigation.

The board of supervisors of the county in which the greater portion of the lands of the district are situated shall, upon the application of said trustees, setting forth the amount of such unpaid charges appoint three commissioners of assessment who shall be disinterested persons and who shall levy said assessment on the said respective tracts for the irrigation of which water has been furnished by the district, and which remains unpaid, who when appointed shall levy upon each tract the amount of the charge so fixed by said board of trustees, for water furnished by the district for the irrigation of said land, and a proportionate share of the cost of levying and collecting said assessment, to be apportioned by said commissioners.

Assessment
of unpaid
charges.

Said commissioners so appointed shall make a list of the charges assessed against each tract which, when completed, shall be filed with the clerk of the said board of supervisors of the said county, and all the provisions of sections three thousand four hundred sixty, three thousand four hundred sixty-two, three thousand four hundred sixty-three, three thousand four hundred sixty-five and three thousand four hundred sixty-six of the Political Code of California, shall be applicable to the levy and collection of said assessment, and the same shall be levied and collected as therein provided, except that all sums so collected shall be deposited in the said county treasury of the said county in a special fund to be designated the "irrigation fund" of said district.

List of
charges.

All moneys collected by the trustees of the district for said irrigation charges shall be deposited in the county treasury of said county in which the greater portion of the lands of the district are situated, which shall be credited by said treasurer to said "irrigation fund." said money so deposited in the county treasury in said "irrigation fund" of the district shall be paid, out only upon orders or warrants of the trustees of the district for the expense or cost of irrigation or irrigation works constructed by the district or incidental expenses in connection therewith, only, and such orders or warrants therefor shall designate the said fund from which they shall be paid, and shall not be required to be approved by the board of supervisors nor be in the form prescribed by section three thousand four hundred fifty-seven of the Political Code, said warrants or orders drawn by the trustees on said fund shall be presented to the said county treasurer of the said county, and if there be insufficient money in said fund, such indorsement must be made thereon by the treasurer, and they shall be registered by the said county treasurer separately from other warrants of the district and shall thereafter bear interest from their date at the rate of seven per cent per annum until paid and all the pro-

Deposit of
moneys
collected.

visions of section three thousand four hundred fifty-seven of the Political Code as to the payment or renewal of warrants shall be applicable to said warrants. If, at any time that the board of supervisors of the county shall hereafter appoint commissioners of assessment to levy an assessment on the lands therein pursuant to section three thousand four hundred fifty-five or three thousand four hundred fifty-six of the Political Code and such district shall have adopted plans for irrigation, the trustees shall report or shall have reported to said board of supervisors that charges fixed by said board of trustees for water furnished by the district for the irrigation of any tract or tracts of land therein have not been paid, said board of supervisors shall direct said commissioners of assessment appointed by them to also levy a separate assessment on said tract or tracts of land in said district on which said irrigation charges so remain unpaid, and said commissioners shall thereupon levy such separate assessment on said lands and make and file such separate assessment list in all respects as in this section provided.

CHAPTER 828.

An act to authorize suits against the state for services rendered to the state or for moneys expended in connection with such services, and regulating the procedure therein.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Suits
against
state
authorized.

SECTION 1. All persons who have, or shall hereafter have, claims against the state for services rendered to the state under an appointment or employment by the governor or for moneys expended in connection with such services, not allowed by the state board of control, are hereby authorized, on the terms and conditions herein contained, to bring suit thereon against the state in any of the courts of this state of competent jurisdiction, and prosecute the same to final judgment. The rules of practice in civil cases shall apply to such suits, except as herein otherwise provided.

Time for
commencing
action.

SEC. 2. No such suit shall be maintained on any claim now existing unless the same be brought within two (2) years after this act takes effect; nor shall any such suit be maintained on any cause of action hereafter arising, unless the same shall be commenced within two (2) years after such cause of action shall have accrued; *provided*, that the period of limitation provided for in section two of this act shall not apply to or affect the rights, interest, or claims of any minor or insane person, or a person imprisoned on a criminal charge, or in execution under a sentence of a criminal court for a period of not less than for life, or a married woman and her

husband be a necessary party with her in commencing such action, or an incompetent person; but such action may be commenced within the period above provided for after such disability shall cease.

SEC. 3. At the time of filing the complaint in any such suit, the plaintiff shall file therewith an undertaking, in such sum, not less than five hundred dollars (\$500), as a judge of the court shall fix, with two sufficient sureties, to be approved by a judge of the court, and conditioned that, in case the plaintiff fails to recover judgment, he will pay all costs incurred by the state in such suit. Undertaking to pay costs.

SEC. 4. Service of summons in such suits shall be made on the governor and attorney general. It shall be the duty of the attorney general to defend all such suits; and upon his written demand, made at or before the time of answering, the place of trial of any such suit must be changed to the county of Sacramento. Attorney general to defend.

SEC. 5. In case judgment be rendered for the plaintiff in any such suit, it shall be for the amount actually due from the state to the plaintiff, with legal interest thereon from the time the obligation accrued, and without costs. Amount of judgment.

SEC. 6. It shall be the duty of the governor to report to the legislature, at each session, all judgments rendered against the state and not theretofore reported. Report of judgments.

SEC. 7. It shall be the duty of the controller to draw his warrant for the payment of any such judgment, without any presentation to or approval of such claim by the state board of control, whenever a sufficient appropriation for such payment shall have been made by the legislature; and all claims upon such judgments are hereby expressly exempted from the operation of section six hundred seventy-two of the Political Code. Controller's warrant.

CHAPTER 829.

An act to provide for leasing by the state of certain classes of submerged lands.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Any person owning in fee any lands in this state heretofore surveyed and sold as tide lands may make written application to the surveyor general of this state that adjoining lands owned by the state or inuring to it by virtue of its sovereignty and not heretofore sold, leased or otherwise disposed of, or contracted to be sold, leased or otherwise disposed of, lying below ordinary low water mark and submerged by salt tidal waters, be leased pursuant to this act. Such application shall be verified by the applicant, or if it be Certain classes of submerged lands may be leased.

a corporation, by an officer thereof, and shall set forth the name and address of the applicant, a description of such tide lands owned by the applicant, the nature and extent of the applicant's interest therein, a reference to the patent or other source of the applicant's title thereto, a description by surveyed subdivisions (not less in any case than one-quarter section) of the submerged lands adjacent thereto which the applicant desires to lease, a statement of the term (which shall not exceed thirty-five years from the date of the lease) for which a lease is desired by the applicant, and such other facts as will show that such lands are not excluded from lease by the provisions of section two of this act, and shall file with such application, in addition to the certified plat hereinafter required, a map or plat showing the submerged lands which the applicant desires shall be leased, the lands adjacent owned by the applicant, the depths of water on such submerged lands at low tide as shown, and so far as shown, by any map thereof issued (or if more than one has been issued, by the map most recently issued) by authority of the United States and the location of such harbor lines or pier-head lines if any as may have been established by authority of the United States.

Lands
excluded.

SEC. 2. No lands shall be leased under the provisions of this act which are submerged to a depth of more than seven feet at ordinary low tide or which are located within one mile of the state prison at San Quentin, or within the city and county of San Francisco or the city of Oakland, or the city of Los Angeles, or within five miles of the corporate limits of said city and county or either of said cities, or within any other incorporated city or town, or within two miles of the corporate limits thereof, or within the jurisdiction of any harbor commission created by or existing under any statute of this state, or which lie beyond (that is outside of) any harbor line or pierhead line established by authority of the United States, and only such lands shall be leased under the provisions of this act as lie adjacent to the lands surveyed and sold as tide lands already owned by the applicant, and together with such lands constitute a united tract or area; nor shall more than five thousand acres of such lands be leased to any one person at any one time.

Application
for lease.

SEC. 3. Any person desiring to make application that there be leased pursuant to the provisions of this act, any submerged lands which shall not have been sectionized by authority of the United States may apply to the surveyor or engineer of the county in which the whole or the greater portion of such lands is situated to have the same surveyed and such county surveyor or engineer shall thereupon at the expense of the applicant make a survey thereof, under instructions from the surveyor general, and make and certify a plat of such survey, and such plat so certified must be filed with the application for the lease of such lands. If such county surveyor or engineer shall fail to make such survey and furnish

to the applicant a certified plat thereof within ninety days after application therefor, the surveyor general shall upon request of the applicant designate another person to make such survey and to make and certify such plat and a survey made and plat certified by the person so designated shall have the same force and effect as if made by such county surveyor. All surveys made pursuant to the provisions of this section shall conform as nearly as practicable to the system adopted by the United States for the survey of public lands and wherever practicable shall connect with a United States survey.

SEC. 4. Within thirty days after the filing of any applica-^{Approval by} tion that submerged lands be leased under the provisions ^{survey or} of this act, the surveyor general shall determine whether ^{general.} the whole of, or what part of, the submerged lands specified in such application is included in the class of submerged lands which may be leased according to the provisions of this act and shall indorse on such application his approval thereof with respect to all such lands (describing them) that are of the class which may be leased under the provisions of this act and his rejection thereof as to all other submerged lands described in such application. Whenever any such application is so approved with respect to any submerged lands described in it, the surveyor general shall forthwith fix the annual rental per acre therefor (subject to the approval of ^{Annual} the state board of control) and he shall prepare in duplicate ^{rental.} a lease of such lands from the state to the applicant and his or its successors or assigns, which lease shall be dated as of the date of the approval of such application and shall be for the term from and after its date specified in such application, but in no case exceeding thirty-five years. Each such ^{Terms.} lease shall by its terms provide (a) that the lessee or his or its successors or assigns shall pay annually in advance, as rental, to the state treasurer for the general fund the amount per acre, fixed by the surveyor general as above provided, for the area of submerged lands leased thereby, the first of such payments to be made on or before the delivery of such lease and the other installments of rental to be payable annually, during the continuance in force of such lease, upon or before the expiration of each successive year from and after its date; (b) that if any such annual installments of rental are not paid within thirty days after the same has become due and payable, the state acting through the surveyor general at its option, by written notice addressed to the lessee and delivered at his or its address as set forth in the application (or if the lessee or his or its successors or assigns shall have specified another address by a notice filed with the surveyor general, then at such other address) cancel such lease and terminate all future rights thereunder of the lessee and his or its successors or assigns; (c) that in consideration of the rental payable under such lease, the lessee or his or its successors or assigns may at any time and from time to time during the continuance in force of such

lease, by dredging or otherwise alter the surface conformation of the leased lands and remove therefrom any earth or other materials of any kind contained therein and for any purpose use or redeposit any such materials on any portion of the leased lands or elsewhere; *provided*, that no such use shall be made of any of such leased lands by the lessee by his or its successors or assigns as will prevent the ebb and flow of tidal waters thereover or substantially lessen the depth of water thereon; and (d) that there is reserved from the operation of such lease, and that such lease is subject to, the public right and easement to use the waters over the leased lands for navigation and fishing.

Signatures.

Such lease when so prepared shall be forthwith signed in duplicate in the name and on behalf of the state by the governor, attested by the secretary of state, sealed with the great seal of the state, and countersigned by the register of the state land office and when the same has been so signed, attested, sealed and countersigned, the surveyor general shall forthwith give notice by registered mail to the applicant at his or its address as stated in the application that such lease is ready at the office of the surveyor general for execution by and delivery to the applicant. Within thirty days after the mailing of such notice the applicant shall sign such lease in duplicate as lessee and pay to the state treasurer for the general fund the installment of rental which by the terms of such lease is to be paid on or before its delivery and upon the issuance by the treasurer to the applicant and the filing with the register of the state land office a certificate of such payment, the surveyor general shall deliver one of the duplicates of such lease to the applicant and shall file the other duplicate thereof in the state land office, and such lease shall thereupon be in force and effect. If the applicant shall fail to sign such lease in duplicate or make such initial payment of rental, within thirty days after the mailing to the applicant of the notice herein provided for, that such lease is ready for signature by and delivery to the applicant, the applicant shall be deemed to have waived all right to obtain such lease upon the application theretofore filed and a lease of any submerged lands covered by such application shall not thereafter be made except upon another application for lease being filed and approved pursuant hereto.

In aid of
commerce
and
navigation.

SEC. 5. The leasing as permitted hereby, of submerged lands which may be leased under the provisions of this act is hereby determined and declared to be in aid of commerce and navigation. The word "person" as used in this act, includes a corporation.

CHAPTER 830.

An act to add a new section to the Penal Code, to be numbered section one thousand three hundred seventy-four, relating to the payment of the expenses of examination, commitment and maintenance in state hospitals of persons charged with crime

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered section one thousand three hundred seventy-four, to read as follows:

1374. In the event that any person charged with the commission of a public offense in any county, or city and county, of this state be committed as an insane person to any state hospital, as a result of proceedings had pursuant to the provisions of sections two thousand one hundred sixty-eight to two thousand one hundred seventy-one *a*, both inclusive, of the Political Code, or be committed to any such state hospital as an inebriate, as a result of proceedings had under section two thousand one hundred eighty-five *c* of said code, all expenses of such proceedings and the expense of maintaining such person in such state hospital, shall be a charge upon the county, or city and county, whence such person is committed; but the county, or city and county, may recover such expenses from the estate of the defendant, if he has any, or from any relative, town, city, city and county, or county bound to provide for and maintain him. It shall be the duty of the district attorney, in the name of the county, or city and county to commence proceedings for the collection of the same.

Expenses of maintenance in state hospital of persons charged with crime.

CHAPTER 831.

An act declaring the improved county road extending from Rio Vista to Lodi to be a state highway.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The improved county road extending from the town of Rio Vista in the county of Solano to the city of Lodi in the county of San Joaquin, crossing the Sacramento river at Rio Vista, thence crossing Brannan, Andrus and Tyler islands to the San Joaquin county line between Tyler and Staten island; thence crossing Staten island to the mainland in San Joaquin county on to the improved county high-

Road from Rio Vista to Lodi declared state highway

way in San Joaquin county; thence through Thornton in a general easterly and southerly direction to the city of Lodi, is hereby accepted as and declared to be a state highway.

Sec. 2. The said highway shall be maintained by the state under the supervision and direction of the state engineering department.

CHAPTER 832.

An act making an appropriation for the paving of a road from the city of San Luis Obispo to the California Polytechnic School.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation: road to California Polytechnic School.

SECTION 1. Out of any moneys in the state treasury not otherwise appropriated there is hereby appropriated the sum of seven thousand five hundred dollars to be expended in accordance with law for the paving of the road from the northern city limits of the city of San Luis Obispo to the California Polytechnic School, a distance of about four thousand feet.

Sec. 2. The state department of engineering shall have full charge and control of said work.

CHAPTER 833.

An act to amend section five hundred ninety-one of the Political Code, relating to the maintenance of the office of the insurance commissioner.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section five hundred ninety-one of the Political Code is hereby amended to read as follows:

Maintenance of office of insurance commissioner

591. The commissioner may procure suitable offices in the city of San Francisco for conducting the business of the insurance department. He shall have power to appoint such deputies, assistants and other employes as may be necessary for the transaction of the business of his office, and, with the concurrence of the board of control, to fix the salaries and compensation of all such deputies, assistants and other employes. The commissioner shall, from time to time, procure such furniture, stationery, fuel, light and printing, and incur such traveling and other expenses as may be necessary for the proper performance of the duties of his office. To defray the expenses

of conducting the business of the insurance department there shall be set aside and reserved each and every year out of the funds paid into the state treasury by the insurance commissioner sixty thousand dollars as a special fund to be called the insurance commissioner's special fund. All expenditures authorized in this section must be audited by the board of control or other proper authorities who must allow the same and direct payment thereof to be made, and the controller shall draw warrants therefor on the state treasury for the payment of the same to the insurance commissioner out of the said insurance commissioner's special fund; except that there shall be a revolving fund, or petty cash fund, of five hundred dollars which may be used by the commissioner without first obtaining the approval of any other department or official; *provided, however*, that such expenditures must ultimately be audited by the board of control and paid for as prescribed by law.

CHAPTER 834.

An act providing for the organization and regulation of reciprocal or interinsurance exchanges, to be known as "the reciprocal or interinsurance act of the State of California," and repealing the act entitled "An act providing for reciprocal and interexchange of indemnities, prescribing regulations therefor and fixing a license fee, and repealing an act entitled 'An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee,' approved December 24, 1911," approved May 26, 1917, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Individuals, partnerships and corporations of this state, hereby designated subscribers, are hereby authorized to exchange reciprocal or interinsurance contracts with each other, or with individuals, partnerships and corporations of other states, territories, districts and countries, providing insurance among themselves from any loss which may be insured against under other provisions of law, except life insurance. The organization under which such subscribers so exchange contracts shall be termed a reciprocal or interinsurance exchange, hereinafter referred to as the exchange.

SEC. 2. Such contracts may be executed by an attorney, agent or other representative herein designated as attorney, duly authorized and acting for such subscribers under powers of attorney and such attorney may be a corporation. The principal office of such attorney shall be maintained at such

place as is designated by the subscribers in the power of attorney. The power of attorney and contracts made thereunder may further provide for the right of substitution and revocation and impose such restrictions upon the exercise of the power granted as may be agreed upon by the subscribers, including the right to fix the contingent liability of the subscriber for the payment of losses in excess of the available cash funds in the possession of the exchange, and may further provide for the exercise of any right reserved to the subscribers directly or through a board or other body which must be selected under such rules and regulations as the subscribers may adopt. This board or other body shall have supervision over the finances of the exchange and over its operations to the extent that said operations shall be in conformity with the subscriber's agreement and power of attorney.

Board.

Declaration
filed with
commis-
sioner.

SEC. 3. Such subscribers so contracting among themselves shall through their attorney file with the insurance commissioner a declaration verified by the oath of such attorney, or where such attorney is a corporation, by the oath of the duly authorized officers thereof, setting forth:

(a) The name of the attorney and the name or designation under which such contracts are to be issued, which name and/or designation shall not be so similar, to any name and/or designation adopted by any attorney or by any insurance organization transacting business in this state and writing the same class of insurance prior to the adoption of such name and/or designation by the attorney as to confuse or to deceive.

(b) The location of the principal office of the exchange.

(c) The kind or kinds of indemnity to be exchanged.

(d) A copy of each form of policy contract or agreement under or by which indemnity is to be exchanged.

(e) A copy of the form of the power of attorney or agreement under and by which such indemnity is to be exchanged.

(f) That executed contracts or bona fide applications, to be concurrently effective, have been made for the exchange of indemnities by at least one hundred separate subscribers; *provided, however*, that in case of employer's liability or workmen's compensation insurance, there shall have been made executed contracts or bona fide applications, to be concurrently effective, representing a total payroll of not less than one million dollars.

(g) That there are in the possession of such attorney in fact, subject to the supervision of the advisory board, assets conforming to the requirements of section five hereof.

(h) A financial statement under oath in such form as is prescribed by the insurance commissioner for the annual statement.

(i) The instrument authorizing service of process as provided for in this act.

(j) Certificate showing deposits of funds or securities

SEC. 4. Concurrently with the filing of the declaration provided for by the terms of section three of this act the attorney shall file with the insurance commissioner:

Attorney to
file instru-
ment and
bond.

(a) An instrument in writing executed by him for said subscribers conditioned that upon the issuance of the certificate of authority action may be brought in the county in which the property or person insured therein is located and service of process may be had upon the attorney in fact or upon the insurance commissioner in all suits in this state arising out of such policies, contracts or agreements, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or interinsurance contracts through such attorney. In the event of process being served upon the insurance commissioner three copies of such process shall be served and the insurance commissioner shall file one copy, forward one copy to said attorney by registered mail addressed to the attorney at the principal office as fixed in the certificate filed, and shall return one copy with his admission of service. A judgment rendered in any such case where service of process has been so made shall be valid and binding against any and all subscribers as their interests appear.

The exchange may sue or be sued in its own name as in the case of an individual; *provided, however*, that any judgment rendered against the exchange shall be binding upon each subscriber only in such proportion as his interest may appear upon the date that the cause of action arose.

(b) A bond in favor of the people of the State of California executed by the said attorney with two sureties or with a surety company authorized to do business in the State of California, to be approved by and filed with the insurance commissioner in the penal sum of fifty thousand dollars, conditioned that the attorney will faithfully account for all moneys and other property which may come into his hands or be handled by him under the terms of the said power of attorney and the said rules and regulations, and shall not withdraw or cause to be withdrawn, or convert or appropriate for his own use, from the funds of the exchange, any money or moneys or any other thing of value to which he is not entitled under the terms of the said power of attorney and the said rules and regulations.

Such bond may be sued upon in one and the same action by any subscriber or any number of subscribers suffering loss through a violation of the conditions thereof or by the receiver or trustee in liquidation of the exchange. Liability thereunder may be enforced by any individual subscriber, or any number of subscribers, or in case of liquidation or receivership, by the receiver or trustee in liquidation.

Any amount recovered under such bond shall be deposited in and become a part of the funds of the exchange as a whole; *provided, however*, that where the power of attorney executed by the subscribers or the rules and regulations adopted by the exchange for the conduct of its business there-

under, provide for the bonding of the attorney in fact against fraud and dishonesty and conditioned as the above mentioned bond, in an amount at least equal to the amount above set forth, the bond executed in accordance with such powers of attorney or rules and regulations, may be filed with the insurance commissioner in lieu of any other bond required under this act, and such bond shall be actionable in similar manner and for similar purposes as said first above mentioned bond; *provided, further*, that where the home office of an exchange is located outside of the State of California, such bond or a certified copy or duplicate thereof shall be filed with the insurance commissioner of this state or, in lieu thereof, there shall be filed an affidavit from the insurance commissioner of the home state to the effect that such a bond has been filed with him.

Assets to be maintained.

SEC. 5. There shall at all times be maintained as assets in cash or securities of the kind designated by the laws of the state where the principal office is located for the investment of funds of insurance companies:

(a) A sum equal to one hundred per cent of the pro rata unearned premium deposits collected from subscribers.

(b) A sum sufficient to discharge all liabilities other than the unearned premium deposit reserve arising under policies issued.

The liabilities for losses outstanding similar to those for which companies insuring similar risks are required by law to maintain reserves shall be calculated and maintained in the manner provided for by law for the maintenance of such reserves; *provided, however*, that all reserves for losses outstanding on indemnity exchanged prior to July 1, 1919, shall be calculated according to the provision of law in force at the time said contracts were entered into.

Deficiencies.

If at any time the assets so held in cash or such securities shall be less than the reserves as required above, the subscribers or their attorney for them shall make up the deficiency within thirty days after notice from the insurance commissioner so to do; *provided, however*, that every exchange must maintain in cash and such securities an amount not less than fifty thousand dollars in excess of the assets to be maintained to meet the reserves required by subsection (b) of this section.

Savings or credits may be returned to the subscribers irrespective as to the source from which the same accrue whenever such returns do not constitute an impairment of the assets or reserves to be maintained as herein required; *provided, however*, that there shall be no discrimination in the making of such returns as between persons or places. Where the subscribers are grouped by industries or otherwise under any ruling or agreement which exempts the funds of one group from liability in whole or in part for the payment of losses or expenses chargeable against another group, each independent group must maintain the reserves

herein specified and comply with the requirements of subdivision (f) of section three hereof relative to the number and amount of risks to be assumed.

SEC. 6. Such attorney shall, within the time limited for the filing of annual statements by insurance companies transacting the same kind of business, make a report, under oath, to the insurance commissioner for each calendar year, showing the financial condition of affairs at the office where such contracts are issued, and shall at any time furnish such additional information and reports as may be required; *provided, however*, that the attorney shall not be required to furnish the names and addresses of any subscribers except in case of an unpaid final judgment. The assets, business affairs and records of such organizations shall be subject to examination by the insurance commissioner at any reasonable time, and such examination shall be at the expense of the organization examined. The right of examination herein granted shall include the right to examine the records containing the names and addresses of the subscribers, but any information obtained therefrom shall be regarded as confidential and the disclosure thereof, except under order of court, shall constitute a breach of official duty. Where the principal office of the attorney is located in another state, the insurance commissioner may, in lieu of the examination provided for in this section, accept a certified copy of the report of examination made by the insurance department of the state where the principal office is located, or by the insurance department of any other state.

Annual report by attorney.

Examination by commissioner.

SEC. 7. Any corporation now or hereafter organized under the laws of this state shall, in addition to the rights, powers and franchises specified in its articles of incorporation, have full power and authority to enter into insurance contracts of the kind and character herein mentioned. The right to enter into such contracts is hereby declared to be incidental to the purposes for which such corporations are organized and as fully granted as the rights and powers expressly conferred.

Right to make contracts

SEC. 8. Upon compliance with the requirements of this act, and the payment of a fee of fifty dollars, the insurance commissioner shall issue a certificate of authority or a license to the attorney authorizing him to make such contracts of insurance, which license shall specify the kind or kinds of insurance to be effected and shall contain the name of the attorney, the location of the principal office and the name or designation under which such contracts of insurance are issued. Such license shall be renewed annually upon a showing that the standard of solvency required herein has been maintained and all fees and taxes required have been paid. For such renewal a fee of ten dollars shall be paid.

Certificate of authority or license to attorney.

SEC. 9. Any attorney who shall exchange any contracts of insurance of the kind and character specified in this act, or any attorney or representative of such attorney, who shall

Penalty for making contracts without certificate.

solicit or negotiate any applications for same without the attorney first complying with the foregoing provisions, shall be deemed guilty of a misdemeanor. For the purpose of organization, and upon issuance of permit by the insurance commissioner, powers of attorney and applications for such contracts may be solicited without compliance with the provisions of this act, but no attorney, agent or other person shall make any such contracts of insurance until all of the provisions of this act shall have been complied with.

Revocation
of certificate.

SEC. 10. In addition to the foregoing penalties and where not otherwise provided, the penalty for failure or refusal to comply with any or all of the terms and provisions of this act, upon the part of the attorney, shall be the refusal, suspension or revocation of certificate of authority or license by the insurance commissioner after due notice and opportunity for hearing has been given such attorney so that he may appear and show cause why such action should not be taken.

Fees
and tax.

SEC. 11. In lieu of all other taxes, licenses or fees whatever, state or local, such attorney shall pay annually on account of the transaction of such business in this state, the same fees as are paid by mutual companies transacting the same kind of business, and an annual tax upon the gross premium deposits collected from subscribers in this state during the preceding calendar year, after deducting therefrom premium deposit returns or cancellations, consideration for reinsurance and all amounts returned to subscribers and/or credited to their accounts as savings; such tax to be computed at the same rate as fixed by law for the taxation of mutual companies transacting the same kind of business.

Insertion of
provisions
required by
plan.

SEC. 12. The attorney may insert in any form of policy prescribed by the laws of this state any provisions or conditions required by the plan of reciprocal or interinsurance; *provided*, that such plan shall not be inconsistent with or in conflict with any law of this state. Such policy, in lieu of conforming to the language and form prescribed by such law, shall be held to conform thereto in substance if such policy includes a provision or endorsement reciting that the policy shall be construed as if in the language and form prescribed by such law. Any such endorsement shall first be filed with the insurance commissioner.

Not subject
to insurance
laws.

SEC. 13. (a) Except as herein provided, the making of contracts as herein provided for and such other matters as are incident thereto shall not be subject to the laws of this state relating to insurance unless they are therein specifically mentioned. This section shall not be construed, however, as depriving the insurance department of the state of the right of examination of and supervision over reciprocal or interinsurance exchanges, their agents and brokers, or of the right to hold and conduct hearings in the manner and under the same procedure as provided by law in the case of mutual or other insurance companies, but such right is hereby expressly

recognized and confirmed. Agents or brokers or reciprocals need not be expressly licensed.

(b) It shall be unlawful for any reciprocal or interinsurance exchange, its attorney in fact, agent or broker to give or offer a rebate to a subscriber, directly or indirectly. A rebate is hereby defined as an allowance, gift, setoff or payment directly or indirectly made or offered as an inducement to secure the exchange of indemnities, other than a savings or credit to be returned to a subscriber in accord with the provisions contained in the power of attorney or in the reciprocal or interinsurance contract executed by him. Rebates.

SEC. 14. All laws or parts of laws in conflict herewith are hereby repealed. Repealed.

CHAPTER 835.

An act providing that any corporation organized under the laws of the State of California furnishing to members, policy holders or beneficiaries mutual insurance upon the assessment plan, including fraternal benefit societies, may deposit with the insurance commissioner securities in trust for the benefit of members, policy holders and beneficiaries whenever the laws of any state of the United States, or of any country foreign to the United States, require such deposit as a prerequisite for transacting business in such other state or foreign country, said deposits to be subject to laws governing deposits of securities by standard insurance companies.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Whenever the laws of any state of the United States, or of any country foreign to the United States, require any corporation organized under the laws of this state, furnishing mutual insurance to members, policy holders or beneficiaries upon the assessment plan, including fraternal benefit societies, to deposit with some officer of this state securities in trust for, and for the benefit of, the members, policy holders or beneficiaries of such corporation as a prerequisite for transacting the business of such corporation in such other state or foreign country; the insurance commissioner of this state must receive from such corporation securities in the amount required by the law under which such deposit is made upon deposit and in trust for the members, policy holders and beneficiaries of such corporation. There is included within this statute corporations organized or operating under the act entitled "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911, and acts amendatory thereof Deposit of securities by mutual insurance companies.

Deposit
in state
treasury.

SEC. 2. Any securities so deposited with the insurance commissioner shall be deposited by him in the state treasury and shall be subject to the laws of this state governing deposits of securities delivered to the insurance commissioner and deposited in the state treasury by standard insurance companies. The commissioner shall issue certificates and receipts as by said laws provided.

CHAPTER 836.

An act declaring and establishing a state highway between a point near Chittenden station in San Benito county, to a point on route two of the state highway in the vicinity of San Benito river bridge.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

State
highway
in San
Benito
county.

SECTION 1. That certain highway beginning at the south abutment of a bridge across the Pajaro river, said bridge being approximately one and one-eighths miles southeast of Chittenden station, so-called, on the California Central Railway, and continuing in a general southeasterly direction for a distance of approximately three and one-tenth miles to a point on route two of the state highway in the vicinity of the San Benito river bridge, all lying in San Benito county, and the entire length thereof is hereby declared to be and the same is hereby constituted a state highway, and said road is hereby placed under the supervision and control of the state department of engineering; *provided*, that the said department of engineering is empowered and authorized to improve the said road and to change the route thereof whenever and wherever it may deem expedient.

CHAPTER 837.

An act declaring the county road extending from San Simeon to Cambria to be a state highway and providing for the maintenance thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

State high-
way from
San Simeon
to Cambria.

SECTION 1. The county road extending from San Simeon southeasterly to the town of Cambria is hereby accepted as and declared to be a state highway.

SEC. 2. The said highway shall be maintained by the state under the supervision and direction of the state engineering department.

CHAPTER 838.

An act to provide for determining, defining and establishing the location of the boundary lines of cities, towns, counties, or cities and counties, where the same are indefinite or uncertain or have been obliterated.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Whenever the location of any boundary line or lines of any city, town, county, or city and county, is indefinite or uncertain or whenever any such boundary line has been obliterated from any cause, the same may be determined, defined and established as herein provided. Determination of city or county boundaries.

SEC. 2. The legislative body of any city, town, county, or city and county which has any indefinite, uncertain or obliterated boundary line or lines may, and upon petition of twenty-five or more taxpayers thereof shall, cause a proceeding to be brought in the name of such city, town, county, or city and county, as the case may be, for the purpose of having such boundary line or lines determined, defined and established. The superior court of the county initiating the proceeding or, in the case of municipalities, the superior court of the county in which the initiating city or town is located, shall have jurisdiction over the proceeding. Court proceeding.

In counties having three or more superior judges, the presiding judge therein may, in his discretion, assign three or more judges to sit at the hearing in such proceeding, whether initiated by such county or any of the municipalities therein.

SEC. 3. The city, town or county, or city and county, as the case may be, desiring to have its boundary line determined and established under the provisions of this act, shall file a petition therefor in the superior court, setting forth therein such allegations as may be pertinent and relevant, accompanied by such documents, maps or other exhibits as may be essential to a proper determination of the case. A copy of said petition with such exhibits shall be served by the petitioner on the other municipalities or counties directly interested or affected and immediately adjacent to the boundary line in question, by delivering said copy personally to the chief executive or other presiding officer of the legislative bodies of such municipalities or counties, as the case may be. Petition.

SEC. 4. Any city, town, county, or city and county, or any person, corporation or taxpayer thereof, interested in the determination and establishment of the boundary line or lines in question, may demur or answer said petition as defendants, or intervene in said proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, and not in conflict with the provisions of this act, are hereby made applicable to the special proceeding herein provided for. Demurrer.

Judgment
determining
boundary.

SEC. 5. Upon conclusion of the hearing of such special proceeding, the court shall have power to determine the location of the boundary line or lines in question and establish the same by courses and distances or by giving such other definite description thereof as may be deemed necessary or most desirable in the premises. The court shall make a finding and render its judgment determining, defining and establishing the location of such boundary line or lines, as the case may be, and after such judgment becomes final cause a certified copy of said judgment to be filed at once with the secretary of state, whereupon, from the date of said filing, such boundary line or lines, theretofore indefinite, uncertain or obliterated, shall be deemed established and fixed for all purposes, and the same shall thenceforth constitute the true and official boundary line or lines of such city, town, county, or city and county, as the case may be.

CHAPTER 839.

An act declaring the public highway extending from Auburn in Placer county to the Sonora lateral at Sonora in Tuolumne county to be a state highway.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

State high-
way from
Auburn to
Sonora.

SECTION 1. All that portion of the public highway commencing at Auburn, in Placer county, through Placerville, Jackson, San Andreas and Angels, to and connecting with the state highway lateral at Sonora, Tuolumne county, and the entire length thereof is hereby declared to be a state highway and placed under the management and control of the department of engineering; and it shall be the duty of said department to locate, survey, construct and reconstruct the same with such variations as may in the opinion of said department be advisable. Said highway shall be known as the "mother lode highway."

SEC. 2. The said department of engineering is authorized and directed to take immediately such steps as may be necessary to acquire for the state the rights of way, roads, culverts, bridges, quarries, timber, tools, machinery and appliances necessary for the construction and improvement of the said highway; *provided, however*, that no public corporation or political subdivision of the state shall receive any compensation on account of said road; *it is further provided*, that the boards of supervisors of each of the counties through which the above described state highway passes are hereby empowered to contribute the expenses of maintaining said state highway within its limits.

CHAPTER 840.

An act to amend an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies, and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment for violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May tenth, nineteen hundred seventeen, as amended, by adding thereto two new sections, to be numbered sections six a and six b.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to said act to be numbered section six *a* and to read as follows:

Sec. 6a. Every transportation company shall annually ^{Reports.} furnish to the commission at such time and in such form as the commission may require a report in which the transportation company shall specifically answer all questions propounded by the commission upon or concerning which the commission may desire information. The commission shall have authority to require any transportation company to file monthly reports of earnings and expenses, and to file periodical or special or both periodical and special reports concerning any matter about which the commission is authorized by this or any other act to inquire or to keep itself informed, or which it is required to enforce. All reports shall be under oath when required by the commission.

SEC. 2. A new section is hereby added to said act to be numbered section six *b* and to read as follows:

Sec. 6b. No transportation company subject to the pro- ^{Passes, etc.}visions of this act shall, directly or indirectly, issue, give or tender any fare, ticket, free pass, or free or reduced rate transportation for passengers or freight between points within this state, except to such person or persons as common carriers under and in accordance with the provisions of the public utilities act, are permitted to issue such fare, ticket, free passes, or free or reduced transportation and except to officers or employees of transportation companies as defined under this act.

CHAPTER 841.

An act directing the department of engineering, State of California, to investigate and report upon a proposed state road; with the necessary bridges connecting the city of Vallejo with the state highway at a point near Sears point on the Black point cut-off road in southern Sonoma county and establishing the same, a state highway.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Investigation of proposed state road from Vallejo to Sears point.

SECTION 1. The department of engineering of the State of California is hereby directed to make an investigation and submit a preliminary report upon a proposed state road with the necessary bridges connecting the city of Vallejo with a point on the state highway near Sears point in Sonoma county. Said report shall be submitted in the next biennial report of the department of engineering, State of California.

Route.

SEC. 2. The route of said road shall establish a state highway as follows: Beginning at the intersection of Butte and Tennessee streets in the city of Vallejo and running thence, northerly along Wilson avenue to the limits of said city, thence continuing along the paved county roads through the Bay terrace district to a point in the vicinity of the lands formerly owned by the Vallejo Brick and Tile Company, thence leaving the mainland and running westerly across the Napa river to island number one: situated on the immediate west bank of the Napa river and immediately north of Marc island and adjacent to the east shore of San Pablo bay; thence northwesterly along said San Pablo shore levee to a point near the mouth of Sonoma creek at mid point being in the near vicinity of the junction point of Solano, Napa and Sonoma counties; thence crossing Sonoma creek and running westerly across Tubbs island and across Tolay creek to a junction with the state highway in the vicinity of Sears point.

Report.

SEC. 3. The investigation and report shall be considered preliminary and points, to wit: The length of said road including bridges; the probable quantity of traffic which will use said road upon completion as a first class hard surfaced road; the benefits which will accrue to contiguous lands and to surrounding counties and cities situated in the region of San Francisco bay; the type and probable cost of bridges or ferries crossing sloughs and rivers; the type and probable cost of roadway paved complete.

CHAPTER 842.

An act creating a reclamation district to be called and known as "Benicia reclamation district"; providing for the management and control thereof and dissolving all reclamation districts lying wholly within the boundaries of said Benicia reclamation district, and providing for the liquidation and winding up of said dissolved districts, and excluding from any reclamation district any land lying within the boundaries of said Benicia reclamation district.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A reclamation district is hereby created to be called and known as "Benicia reclamation district," and the boundaries of said reclamation district shall be as follows:

All those lots and portions of lots, streets and alleys and portions of streets and alleys lying within and being a part of the city of Benicia, county of Solano, State of California, as such city is shown and delineated on a map of said city of Benicia filed in the office of the county recorder of the county of Solano on the tenth day of March, 1921, and recorded in book four, page 45 of maps which said lots and portions of lots, streets and alleys and portions of streets and alleys, all lie within a territory bounded as follows: Beginning at a point in the center of First street where said street ends at the southwesterly boundary line of said city of Benicia; thence northeasterly along the center of First street one thousand four hundred feet to the center of B street; thence along the center of B street southeasterly six hundred eighty feet to the center of East Second street; thence northeasterly along the center of East Second street six hundred eighty feet to the center of D street; thence along the center of D street northwesterly one hundred fifteen feet; thence at right angles northeasterly one hundred seventy-five feet to the center of an alley in the southwesterly half of block thirteen; thence along the center of said alley northwesterly two hundred twenty-five feet; thence northeasterly along lot line one hundred sixty-five feet to center of E street; thence along center of E street northwesterly three hundred forty feet to the center of First street; thence along the center of First street northeasterly three hundred forty feet to the center of F street; thence along the center of F street southeasterly six hundred eighty feet to the center of East Second street; thence along the center of East Second street northeasterly one hundred seventy-five feet to point in line with center of alley in southerly half of block eighteen; thence along center of said alley southeasterly two hundred forty feet; thence at right angles northeasterly one hundred sixty-five feet to the center of G street; thence along

Boundaries. the center of G street northwesterly two hundred forty feet to the center of East Second street; thence along the center of East Second street northeasterly three hundred forty feet to the center of H street; thence along the center of H street northwesterly one hundred ninety feet; thence northeasterly along lot line one hundred seventy-five feet to point in center of alley in the southwesterly half of block twenty-seven; thence along center of said alley southeasterly one hundred feet; thence at right angles northeasterly one hundred sixty-five feet to the center of I street; thence along the center of I street southeasterly fifty feet to the northwesterly line of East Second street; thence along the northwesterly line of East Second street northeasterly one hundred sixty-five feet to the center of an alley; thence northwesterly along center of alley one hundred fifty feet; thence northeasterly along lot line three hundred fifty feet to the center of an alley in the southwesterly half of block forty-one; thence along said alley southeasterly two hundred eighty feet to a point in the center of the same alley where it passes through the southerly half of block forty; thence at right angles southwesterly one hundred seventy-five feet to the center of J street; thence along the center of J street southeasterly one hundred fifty feet; thence at right angles southwesterly one hundred seventy-five feet to the center of an alley in the northeasterly half of block twenty-six; thence along the center of said alley southeasterly one hundred feet; thence southwesterly along lot line one hundred sixty-five feet to the center of I street; thence along the center of I street southeasterly seventy-five feet; thence at right angles southwesterly one hundred sixty-five feet to the center of an alley; thence along the center of said alley southeasterly seventy-five feet; thence southwesterly along lot line one hundred seventy-five feet to the center of H street; thence along the center of H street southeasterly fifty feet; thence at right angles southwesterly one hundred sixty-five feet to the center of an alley in the northerly half of block eighteen; thence along the center of said alley one hundred feet to the northwesterly line of East Third street; thence along said line of East Third street northeasterly five hundred fifteen feet to the center of I street; thence along the center of I street southeasterly three hundred eighty feet to the center of block twenty-five; thence northeasterly along lot line one hundred sixty-five feet to the center of an alley; thence along the center of said alley southeasterly one hundred fifty feet; thence northeasterly along lot line one hundred seventy five feet to the center of J street; thence along the center of J street southeasterly one hundred ninety feet to the center of East Fourth street; thence along the center of East Fourth street southwesterly five hundred five feet to the center of an alley; thence northwesterly along the center of said alley one hundred ninety feet to point in said alley in the southwesterly half of block twenty-five; thence along lot lines southwesterly

two hundred ninety feet to point sixty feet northeasterly from the center of an alley in the northeasterly half of block seventeen; thence at right angles southeasterly parallel with the center of said alley and the alley in the northeasterly half of block sixteen a distance of seven hundred fifty-five feet; thence at right angles southwesterly sixty feet to the said center of said alley; thence along the center of said alley southeasterly one hundred fifteen feet to the center of East Fifth street; thence southwesterly along the center of East Fifth street one hundred ninety-five feet to the southwesterly line of G street; thence along said street line northwesterly six hundred eighty feet to the center of East Fourth street; thence along the center of said street southwesterly one hundred thirty-five feet; thence southeasterly to and along an alley in the southerly half of block sixteen a distance of four hundred ninety feet; thence southwesterly along lot line one hundred thirty-five feet to the northeasterly line of F street; thence along said street line southeasterly three hundred thirty feet; thence at right angles northeasterly one hundred thirty-five feet to the center of an alley in the southwesterly half of block fifteen; thence along the center of said alley southeasterly three hundred feet; thence at right angles northeasterly one hundred ninety-five feet to the northeasterly line of G street; thence along said street line southeasterly two hundred forty feet to the center of East Sixth street; thence northeasterly along the center of said street one hundred thirty-five feet; thence southeasterly along the center of an alley in the northeasterly half of block seventy-four a distance of two hundred sixty-five feet; thence at right angles southwesterly one hundred sixty-five feet to the center of G street; thence along the center of said street southeasterly seventy-five feet; thence along lot lines southwesterly about three hundred fifty feet to the center of the right of way of the Southern Pacific Railroad Company; thence along the center of said right of way easterly about two thousand one hundred feet to the northwesterly line of East Ninth street; thence southwesterly along said street line about eight hundred fifty feet to the southwesterly line of F street; thence following the boundary line of the city of Benicia as shown on said map in a general westerly direction to the point of beginning.

SEC. 2. The management and control of said Benicia reclamation district is hereby made subject to the provisions of article one of chapter one of title eight of part three of the Political Code of the State of California relating to swamp and overflowed lands and reclamation districts, or any amendments or additions thereto, except as otherwise provided in this act, the management and control of said Benicia reclamation district shall be vested in three trustees, who shall hold office until their successors are elected or appointed and qualified. P. B. Fry, S. H. Boetem and C. G. Clync are hereby appointed trustees for the said reclamation district to act until their successors are elected or appointed and qualified. An election of

Management
and control.

Election of
trustees.

three trustees shall be held in said district on the third Tuesday in October, one thousand nine hundred twenty-six, and on the third Tuesday in October every four years thereafter, and shall hold office until their successors are elected or appointed and qualified. In case of any vacancy in the office of trustee of said district, the governor of this state shall appoint a qualified person as trustee, who shall hold said office until the next election. All the trustees, whether appointed by the governor of this state, or named herein, or elected as herein provided, shall hold office at the pleasure of the governor of this state. The office and principal place of business of said district shall be in the city of Benicia and in such place as the board of trustees thereof may from time to time fix. The board of supervisors of the county of Solano shall have jurisdiction of all matters concerning said district to the same extent as if the said district was formed under the provisions of the said Political Code of the State of California, except as otherwise provided in this act. All funds of said district shall be deposited in the county treasury of said county of Solano and shall be disbursed by the treasurer of said county in payment of the warrants of said district. A majority of the board of trustees of said district shall adopt by-laws, not inconsistent with the laws of the State of California, for the government and control of the affairs of the district. The by-laws thus adopted must be signed by a majority of the board of trustees and must be by them filed for record with the county recorder of Solano county, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to reclamation. The by-laws thus adopted may be amended at any time in the same manner that the original by-laws were adopted. Said district shall have all the rights and powers, which are now, or may hereafter be, conferred by the provisions of the Political Code, or by other laws of the State of California upon reclamation or swamp land districts, and shall also have the right and power of purchasing real and personal property and rights of way within the boundaries of said district, or outside thereof, as may be necessary or desirable to carry out the purposes of said district or to acquire the same by condemnation proceedings in the manner provided by law, and shall also have the right and power to join with other reclamation districts, levee districts or swamp land districts or other persons in the construction and maintenance of reclamation works, and to contract for the same, and also to do all other acts and things that may be incident to or necessary to the reclamation of the lands of said district, as the board of trustees thereof may determine. All of the provisions of the Political Code of the State of California, unless inconsistent with the provisions of this act, are made a part of this act, and shall be deemed to be incorporated herein. The said reclamation district hereby created shall have the power, in addition to the power hereby conferred, to do all other acts or things that any reclamation dis-

By-laws.

trict or swamp land district within the State of California has power to do under any existing law or any law hereafter enacted. The said Benicia reclamation district shall have the right to construct works of reclamation, either within or without the boundaries of the reclamation district, for the purpose of promoting the reclamation of lands within said district.

SEC. 3. All reclamation districts, wholly situated within the boundaries of said reclamation district, are hereby dissolved, ^{Dissolution of districts within boundaries.} except for the purpose of liquidation and the disposition of its property, and for this purpose only the existence of said districts are continued. Any land situated within the boundaries of Benicia reclamation district that is situated within any reclamation district is hereby excluded from any such reclamation district, but such lands so excluded shall be liable for the just proportion of the indebtedness of such reclamation district, to be ascertained in accordance with the provisions of law. Each of the said reclamation districts that is dissolved by the provisions of this act shall pay all legal outstanding indebtedness that each may respectively owe, and may cause the assessments or taxes to be levied and collected therefor, as may be authorized by law.

SEC. 4. All acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby repealed. ^{Repealed.}

CHAPTER 843.

An act providing for the establishment and administration of industrial farms or industrial road camps in the counties of the state and the commitment thereto and discipline of persons charged with or convicted of public offenses.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. In each county of this state an industrial farm or industrial road camp may be established under the provisions of this act. It is the purpose of this act to make possible the substitution of constructive labor for profitless prison confinement in order that those who are charged with or convicted of public offenses and deprived of their liberty may become better citizens because of their disciplinary experience. ^{Establishment of industrial farms or road camps.}

SEC. 2. Before proceeding to establish an industrial farm or industrial road camp in any county the board of supervisors thereof shall adopt a resolution of its intention so to do. Such resolution shall state an amount not to exceed fifty cents per person per day for which persons from incorporated cities will be maintained on such farm. Certified copies of such resolu- ^{Resolution of intention by supervisors.}

tion shall be forwarded by the clerk of the board to the clerks of all the incorporated cities within the county.

Resolution
by city.

Thereupon the legislative body of any such incorporated city wishing to avail itself of the use of such industrial farm shall adopt a resolution setting forth the following matters:

1. The number of persons sentenced to imprisonment in the jail of such city during the fiscal year last preceding the adoption of the resolution of intention by the board of supervisors;

2. The total number of days for which all such persons were imprisoned in the jail of the city during such fiscal year;

3. A declaration of the desire of the city adopting the resolution to have the prisoners of the city cared for by the county on such industrial farm or industrial road camp and of the agreement of the city to pay said county quarterly for the care of the prisoners of said city at the rate set forth in said resolution of intention.

A certified copy of such resolution shall be forwarded to the clerk of the board of supervisors.

Facts to be
entered in
minutes.

SEC. 3. Any board of supervisors having adopted a resolution of intention to establish an industrial farm or industrial road camp shall ascertain and enter in its minutes the following facts:

1. The number of persons sentenced to imprisonment in the county jail during the fiscal year last preceding the adoption of such resolution of intention;

2. The total number of days for which all such persons were imprisoned in the county jail during such fiscal year;

3. The number of persons sentenced from the superior court of the county to any state prison upon conviction of a violation of section two hundred seventy or section two hundred seventy *a* of the Penal Code during said fiscal year;

4. The total number of days for which all persons so sentenced to state prisons were therein imprisoned during such fiscal year.

Acquisition
of land.

SEC. 4. Upon ascertaining the facts provided for in the two preceding sections of this act the board of supervisors may if they deem it advisable proceed to establish an industrial farm or industrial road camp. For the purpose of establishing such farm the board of supervisors may acquire by condemnation, purchase, lease or donation as many acres of land suitable for agriculture as may be necessary for the purposes of such farm. Such land may be situate within or without the county and may consist of separate parcels. If such land is without the county no industrial farm may be established thereon without the consent of the board of supervisors of the county in which the land is located. The board of supervisors shall erect on such land such buildings and structures and make such improvements and institute such industries as may be necessary or convenient to carry out the purposes of this act. The board of supervisors shall secure by purchase or otherwise such personal property as may be convenient or necessary to carry out the purposes

of this act. Stock, machinery, or any other property belonging to the county and in use on the county farm or elsewhere may be used on such farm.

The board of supervisors shall employ a superintendent of such farm or camp and such other subordinate persons as may be necessary for the proper administration of such farm or camp and the keeping of the prisoners imprisoned thereon. As part of the compensation to be agreed upon for such superintendent and other persons board and lodging may be furnished. The board shall also adopt rules governing the administration of such farm or camp and discipline thereon in furtherance of the purposes of this act which rules shall be enforced by the superintendent and those subordinate to him.

The board of supervisors of each county establishing an industrial farm shall either provide thereon separate quarters for women prisoners, or shall establish a separate industrial farm for women prisoners. In either event women prisoners shall have sleeping and eating quarters separate from male prisoners and shall be kept separate from the male prisoners in their employment. Should a separate farm for women prisoners be established it shall be considered as a part of the industrial farm of the county within the meaning of all provisions of this act except that none but women prisoners shall be admitted to it. A woman assistant to the superintendent of the industrial farm shall be in immediate charge of any farm established for women prisoners only.

SEC. 5. When said land has been acquired and such buildings and structures erected and improvements made as may be immediately necessary for the carrying out of the purposes of this act or arrangements have been made for industrial road camp or camps the board of supervisors shall adopt a resolution proclaiming that an industrial farm or road camp has been established in the county and designating a day on and after which persons will be admitted to such farm or camp. Certified copies of such resolution shall be forwarded by the clerk of the board of supervisors to each justice of the peace in the county and to the clerk of each incorporated city which has expressed the desire that its prisoners be cared for by the county on such farm or camp. The clerks of the incorporated cities upon receiving such certified copies shall immediately notify the judges of the police courts and city recorders within their respective cities that an industrial farm or camp has been established in the county and that a contract has been entered into between the city and the county for the custody and care by the county of any persons sentenced to imprisonment by any of the courts of the city, and that on and after the date designated in the resolution prisoners will be admitted to the farm or road camp.

SEC. 6. Any person convicted (1) of a violation of sections two hundred seventy or two hundred seventy *a* of the Penal Code or (2) of a misdemeanor in the superior court of any county having established an industrial farm or camp, or (3)

of a misdemeanor in any justices court within such county shall, on and after the date designated in the resolution proclaiming the establishment of such farm or camp, if sentenced to be imprisoned as a punishment upon such conviction, be sentenced to imprisonment in such industrial farm or industrial road camp and not in the county jail; *provided, however*, such person may be detained in the county jail until transportation to said industrial farm or camp is available.

Any person convicted of a public offense in any police court or in any recorder's court or other inferior court in any city having entered into an agreement with the county to have its prisoners cared for by the county as provided in section two of this act shall, on and after the date designated in the resolution proclaiming the establishment of any industrial farm or industrial road camp in the county in which such city is located, if sentenced to be imprisoned as a punishment upon such conviction, be sentenced to imprisonment in the industrial farm or industrial road camp and not in the city jail; *provided, however*, that such person may be detained in the city jail until transportation to the industrial farm or industrial road camp is available.

Any person serving a sentence in the county jail or in the jail of any city whose prisoners are to be kept in the industrial farm or industrial road camp of the county shall on the date designated in the resolution proclaiming the establishment of the industrial farm or industrial road camp be recommitted to the farm or camp for the unexpired term of his sentence; *provided*, such unexpired term shall be not less than seven days in length.

Prisoners
from city.

SEC. 7. The legislative body of any incorporated city located in a county which has established an industrial farm or industrial road camp may adopt, and forward to the board of supervisors a certified copy of a resolution stating that the city desires to have its prisoners cared for on the industrial farm or industrial road camp and agrees to pay therefor quarterly at a rate per prisoner per day, which rate shall be set forth in the resolution. At its option the board of supervisors may adopt a resolution stating that the county will care for the prisoners of said city on its industrial farm or industrial road camp at the rate set forth in the city's resolution. A certified copy of such resolution shall be forwarded to the clerk of the city named therein. Such clerk shall immediately notify the city recorder or judges of the police or other inferior court of such city that an agreement has been entered into between the city and the county for the care of the prisoners of the city on the industrial farm or industrial road camp of such county.

Thereafter any person convicted of a public offense in any recorder's court, police court or other inferior court of such city shall, if sentenced to be imprisoned as a punishment upon such conviction, be sentenced to imprisonment in the industrial farm or industrial road camp and not in the city jail; *pro-*

videt, however, that such person may be detained in the city jail until transportation to the industrial farm or industrial road camp is available.

Any person serving a sentence in the jail of such city at the time the city and county enter into the agreement whereby the city's prisoners are to be cared for on the industrial farm or industrial road camp of the county may be recommitted to the industrial farm or industrial road camp for the unexpired term of his sentence; *provided*, such unexpired term shall be not less than seven days in length.

SEC. 8. The several officers charged with the execution of the judgments of their respective courts shall deliver all persons sentenced to imprisonment in any industrial farm or industrial road camp to the superintendent of the farm or camp within forty-eight hours after sentence is pronounced. It shall be the duty of the superintendent of the industrial farm or camp to receive all persons committed to the farm or camp by competent authority and to keep them safely in custody on such farm or camp until the expiration or other termination of their respective sentences. When persons are sentenced to imprisonment in any industrial farm, the superintendent shall cause a psychological and physical examination of each prisoner to be made upon his entry into the farm with a view to determining the nature of the employment and treatment on the farm most likely to improve the health and moral well being of each prisoner. Upon the expiration of the sentence of any person imprisoned in any industrial farm or industrial road camp such person shall be discharged and furnished either with transportation to the place where he was convicted or be given a sum of money sufficient to pay his fare to such place.

Delivery of sentenced persons.

Examination of prisoners.

SEC. 9. The cost of establishing and maintaining such industrial farm or industrial road camp shall be paid out of the county general fund. Any revenue derived from such farm or camp, including that received from any city for the care of its prisoners on said farm, shall be paid into the county general fund. The cost of transporting city prisoners to such farm or camp shall be borne by the city from whose courts they were committed. All other transportation charges shall be borne by the county and paid out of the general fund. Any person transferred from the farm or camp to the county jail shall be maintained at the jail at the expense of the county as are other prisoners in such jail.

Cost of establishment and maintenance.

It shall not be the intent of any board of supervisors to make any financial profit out of the care of city prisoners and the rate to be charged therefor shall not exceed the average cost to the county of caring for one prisoner per day. In calculating this average cost the value of the farm products used in other county institutions and in supplying the needs of paupers, incompetent, poor and indigent persons and persons incapacitated by age, disease or accident shall be deducted from the cost of maintenance, and the cost of the original

Rate for city prisoners.

investment in establishing such farm shall not be included. By mutual agreement between the cities and the county, the rate may be changed from time to time but at no time shall the rate charged be greater than fifty cents per day per prisoner.

Credit for
work done
on farm.

SEC. 10. Each person in custody on such industrial farm or industrial road camp who shall be found, in the manner hereinafter provided, to have any person or persons dependent on him for support, shall be credited with a sum not to exceed two dollars for each day of eight hours work done by him on such farm or camp. Every other person in custody on such farm or camp shall be credited with a sum not to exceed fifty cents for each day of eight hours work done by him on such farm or camp. The maximum amount per day to be so credited to the person in custody on such farm or camp shall be fixed from time to time by the board of supervisors and shall be as large as is justified by the production on said farm or camp but not to exceed the sums mentioned in this section.

The superintendent of the farm may by order cause an amount less than the maximum per day to be credited to any person because of lack of effort on the part of such person, the amount credited to be in proportion to the effort.

Payment of
credits.

The sum to the credit of each such person upon his discharge shall be paid him in addition to any transportation charge otherwise paid under this act. Any such person may, by written order, direct the payment of any sums credited to him to any person dependent upon him or to whom he is indebted. *Provided, however,* that the court by whom any such person was sentenced to such farm or camp may at any time by written order direct payment of all or any part of the sums to be credited to any such person to any person or persons dependent for support on such prisoner. At the time of sentencing any person to such farm or camp the court shall by making inquiry or taking evidence find whether or not any person or persons are dependent upon the defendant for support. A copy of such finding of the court shall be transmitted to the superintendent of the farm or camp. Payments authorized to be made to any person other than the prisoner may be made weekly on any day designated by the superintendent of the farm or camp.

Revolving
fund.

For the purpose of making the payments in this section provided the board of supervisors shall by order provide said superintendent with a revolving fund. Upon order of the board of supervisors the county auditor shall draw a warrant in favor of the superintendent of the farm or camp and the county treasurer shall cash the same. Thereafter the superintendent shall receive from the county general fund upon demands supported by receipts all sums paid out by him under the provisions of this section and shall return all sums so received to the revolving fund. The board of supervisors shall require the superintendent of the farm or camp to give

a bond with good and sufficient sureties in an amount not less than twice such revolving fund, conditioned upon the faithful performance by said superintendent of all his obligations and in particular the safe-keeping and honest use of said revolving fund.

SEC. 11. So far as practicable those in custody on such industrial farm shall be employed in productive labor. The products of the farm shall be used: first, to maintain the prisoners and employees on such farm; second, to supply other county institutions having need of the same with the farm's products; third, to supply the needs of the paupers, incompetents, poor and indigent persons and those incapacitated by age, disease or accident with whose relief and support the county is charged. Use of products.

SEC. 12. It shall be the duty of the superintendent and he shall have power subject to the regulations adopted by the board of supervisors to maintain discipline on the farm. Whenever the superintendent shall report to the court which had sentenced any prisoner to such farm or camp that such prisoner refuses to abide by the rules of such farm or camp or refuses to work thereon, such court may make an order transferring such prisoner to the county jail or city jail for the unexpired term of his sentence, and all sums credited to such prisoner shall be forfeited by him unless they have been ordered paid to some person dependent upon him. Thereafter the court may recommit such person to the industrial farm or industrial road camp upon recommendation of the superintendent of the farm or camp. Discipline.

It shall be the duty of the superintendent of any industrial farm to which any woman prisoner may be sent to keep such woman prisoner separate from the male prisoners on such farm. Employment shall be provided for the women prisoners separate from that for male prisoners. Women prisoners.

SEC. 13. The boundary of every industrial farm established under the provisions of this act shall be marked by a fence, hedge or by some other visible line. Every person confined on any such industrial farm who escapes therefrom or attempts to escape therefrom shall upon conviction thereof be imprisoned in a state prison for a term of not less than one year nor more than five years, or in the county jail or industrial farm for not to exceed one year. Any imprisonment in this section provided for shall begin at the expiration of the imprisonment in effect at the time of the escape. Attempts to escape.

SEC. 14. Any industrial farm or industrial road camp established under the provisions of this act shall be considered a county jail, or as to city prisoners a city jail, for all purposes not inconsistent with the provisions and purposes hereof. Nothing in this act shall operate to prevent any woman being sentenced to a hospital for treatment under any provision of law now existing. Considered as jail.

Detention
either at
jail or
farm.

SEC. 15. Any person held for trial in the jail of a county having established an industrial farm or in the jail of any city whose prisoners are being cared for at such industrial farm, may be detained at the correctional farm or in jail as the court before whom such person is to be tried may order.

SEC. 16. The place of custody of any person detained for the purpose of insuring his presence at any trial or hearing as a witness shall be, subject to the order of the court by whose order such person is detained, either in jail or on the industrial farm of the county in which such person is in custody.

Advisory
board.

SEC. 17. Any board of supervisors which has established or desires to establish an industrial farm or industrial road camp may at any time appoint an advisory board to consist of not less than three nor more than five persons. One member of the advisory board shall be a penologist and one member a physician. It shall be the duty of the advisory board to acquaint itself with the conduct of the jails in the county to keep itself informed about the administration of the industrial farm or industrial road camp and to report its recommendations and suggestions to the board of supervisors. It shall have power to visit any jail within the county, to examine the records thereof, and to ascertain whether or not there are any persons illegally committed to or detained at any jail.

It shall also be the duty of the advisory board to encourage recreational and educational activities on the industrial farm.

CHAPTER 844.

An act to amend sections four thousand two hundred fifty-two a and four thousand two hundred fifty-three of the Political Code, relating to the salaries, fees and expenses of officers and jurors in counties of the twenty-fourth class.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty-two a of the Political Code is hereby amended to read as follows:

Counties of
24th class,
fees of
jurors.

4252a. In counties of the twenty-fourth class grand jurors and trial jurors in the superior court shall receive for each day's attendance three dollars, and for every mile actually traveled in attending court as such juror, in going only, fifteen cents.

SEC. 2. Section four thousand fifty-three of the Political Code is hereby amended to read as follows:

4253. In counties of the twenty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand dollars per annum. He shall have power to appoint two deputies at a salary of one thousand five hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum; payable at the same time and in the same manner as that of other county officers; *and further provided*, that he shall receive one thousand two hundred dollars per annum for compiling a great register and services performed in preparation for any and all elections; which shall be in full for all services required in registering voters and for all services performed in preparation for elections. The county clerk shall also receive and retain, for his own use and benefit, all fees and commissions which now are, or which may hereafter be allowed by law.

2. The sheriff, three thousand five hundred dollars per annum; *provided*, that he shall have the power to appoint three deputies, which offices are hereby created, at a salary of one thousand eight hundred dollars each per annum, payable at the same time and in the same manner as that of other county officers. The sheriff shall also receive and retain in all civil cases for his own use and benefit, fees, commissions and mileage which now are or which may hereafter be allowed by law; and also all expenses incurred in the pursuit of criminals or transacting any criminal business. The sheriff shall also receive and retain for his own use and benefit mileage and fees for the service of process or papers issued by any court in the state.

3. The recorder, two thousand four hundred dollars per annum; *provided, however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding six cents per folio for each paper and document so recorded and two cents per name for each and every name indexed. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

4. The county auditor, two thousand four hundred dollars; *provided*, he shall have two deputies at a salary of one thousand five hundred dollars per annum each, and one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of one thousand eighty dollars per annum, all of which offices are hereby created; *and provided, further*, that in counties of this class there shall be and hereby is allowed to the county auditor, such additional assistants as the auditor may require during the months of July, September and December of each year, and whose com-

pensation in the aggregate shall not exceed two hundred dollars in any one year. Said county auditor shall also in the event that he performs the duties of county purchasing agent, which office is hereby created, receive the sum of nine hundred dollars per annum for his services as county purchasing agent which shall be in full for all services as purchasing agent.

Treasurer.

5. The treasurer, three thousand dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as that of other county officers. The treasurer shall receive and retain for his own use the fees and commissions now or hereafter to be allowed him by law.

Tax collector.

6. The tax collector, two thousand four hundred dollars per annum; he shall have one deputy which office is hereby created, at a salary of one thousand five hundred dollars per annum payable at the same time and in the same manner as that of other county officers; *and provided, further*, he shall have one deputy during the months of, August, September, October, November and December of each year, which office is hereby created, at a salary of one hundred dollars per month, payable at the same time and in the same manner as that of other county officers.

Assessor.

7. The assessor, four thousand two hundred dollars per annum; he shall have one chief deputy which office is hereby created, at a salary of one thousand eight hundred dollars per annum; one deputy assessor at a salary of one thousand two hundred dollars per annum; four field deputy assessors, for not exceeding three months of each year at a salary of two hundred dollars per month and four field deputies for not exceeding two months of each year at two hundred dollars per month, all of which said offices are hereby created; all said deputies and assistants shall be paid monthly in the same manner and from the same fund as the county officers are paid. All necessary maps, plats, or drawings essential for use in the assessor's office shall be furnished by the county engineer as heretofore. He shall deposit all fees received by him in the county treasury.

District attorney.

8. The district attorney, two thousand four hundred dollars per annum, and his actual traveling expenses when prosecuting criminals, within the county; *provided*, that he shall have power to appoint two deputies, which offices are hereby created, one of said deputies to receive a salary of one thousand five hundred dollars per annum, and the other deputy to receive a salary of one thousand two hundred dollars per annum; the salary of each of said deputies to be payable in the same manner and at the same time as that of other county officers.

Coroner.

9. The coroner, one thousand five hundred dollars per annum and his actual necessary expenses in traveling outside of the county seat, including mileage at the rate of twenty-five cents for each mile necessarily traveled in going to the place

of inquest, together with two dollars for summoning a jury. He shall be allowed two deputies which offices are hereby created who shall act without compensation except that they shall be allowed their necessary traveling expenses for necessary travel outside the county seat in performance of their duties. Said salary and allowances shall be in full for all services rendered by the coroner, and he shall be allowed no other fees than those herein enumerated, except that when acting as or in place of the sheriff he shall be allowed the same fees as are allowed the sheriff for like services.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, two thousand seven hundred dollars per annum, and his actual traveling expenses when visiting schools of the county; *provided*, that he shall have the power to appoint two deputies which offices are hereby created, at a salary of one thousand five hundred dollars and one thousand two hundred dollars per annum, respectively, payable at the same time and in the same manner as that of other county officers. Superintendent of schools.

12. The surveyor, one thousand eight hundred dollars per annum, for all work performed for the county, and in addition thereto his actual necessary traveling and other expenses incurred in connection with field work, and cost of preparing maps, plats, block-books and tracings for the assessor when directed by him. Surveyor.

13. The justices of the peace shall receive the following monthly salaries to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them: (1) in townships having a population of five thousand or more, one hundred fifty dollars per month; *provided*, that where there is now or may be hereafter created in such township more than one justice of the peace, the monthly salary of said two justices shall be each one hundred dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, sixty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, forty-five dollars per month; (5) in townships having a population of five hundred and less than one thousand, thirty-five dollars per month; (6) and in townships having a population of less than five hundred, thirty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace.

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and in all other criminal matters: (1) in townships having a population of five thousand or more, one hun- Constables.

dred dollars per month; (2) in townships having a population of two thousand five hundred, and less than five thousand, fifty dollars per month; (3) in townships having a population of one thousand five hundred or less than two thousand five hundred, forty-five dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, thirty-five dollars per month; (5) in townships having a population of five hundred and less than one thousand, thirty dollars per month; (6) in townships having a population of less than five hundred, twenty dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for necessary traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters, when such service is in fact made, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest in the service of process, five cents per mile; and for transporting persons to the county jail ten cents per mile each way. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which now or may hereafter be allowed by law.

Supervisors

15. The supervisors, each, the sum of one thousand two hundred dollars per annum, and twenty cents per mile for all distances actually traveled, in the performance of his duty as road commissioner, not to exceed two hundred dollars per annum, together with mileage at the rate of twenty cents per mile, in going only, from his place of residence to the county seat at each session of the board.

Reporter

16. In counties of this class the official phonographic reporter of the superior court shall receive as compensation for his services the fees and compensation now or hereafter provided by law, and in addition thereto shall receive five dollars per day when not actually engaged in reporting in said court, but when in attendance on court in compliance with and as provided by section two hundred seventy-one of the Code of Civil Procedure, the said per diem of five dollars to be paid in the same manner as provided in criminal cases.

County
librarian.

17. The county librarian shall receive two thousand one hundred dollars per year.

Population
of
townships.

18. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several townships shall be ascertained and determined by the board of supervisors by multiplying by three and one-half, the vote cast for presidential electors in each township at the next preceding election therefor.

Effect
of act.

SEC. 3. The provisions of this act, so far as they are substantially the same as existing statutes governing counties, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 845.

An act providing for the taking over by the State of California of a certain road in the county of San Joaquin, and for the maintenance and improvement of the same as a state road under the supervision of the state department of engineering.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The board of supervisors of the county of San Joaquin, State of California, is hereby authorized to transfer and convey unto the State of California, that certain road situate in the county of San Joaquin, State of California, and described as follows, to wit:

State
highway in
San Joaquin
county.

Beginning at a point on the west boundary of the city of Manteca, in San Joaquin county, California, and on the township line between townships one (1) and two (2) south, range seven (7) east, Mount Diablo base and meridian; and run thence west on the township line to the west side of the Southern Pacific Railroad Company right of way; thence southwesterly along the said railway right of way to the state highway at the Mossdale school; and to execute on the part of said county of San Joaquin a deed to the State of California to carry into effect such transfer and conveyance.

The state department of engineering, through the state engineer, is hereby authorized and directed to accept said deed and said road on behalf of the State of California as a state highway.

CHAPTER 846.

An act to add a new section to be numbered section nineteen and twenty-six to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act

approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers; said section to be numbered nineteen x twenty-six, and to read as follows:

Sec. 19x26. In counties of the twenty-sixth class there shall be one probation officer whose salary shall be seventy-two and one-half dollars per month.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

Counties of
26th class,
salary of
probation
officer.
Effect
of act.

CHAPTER 847.

An act to amend section four thousand two hundred fifty-five of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty-five of the Political Code is hereby amended to read as follows:

4255. In counties of the twenty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of 26th class, salaries of officers.

1. The county clerk, two thousand seven hundred fifty dollars per annum, and shall be allowed in addition the sum of six hundred dollars a year for every year that an election is held throughout the State of California; he shall be allowed in addition the sum of ten cents per name for each voter registered in the county, which shall be in full for all service required in registering voters and making up the great register and performing all other acts incident to or pertaining to elections; *provided, further*, that in counties of this class there shall be and there is hereby allowed to the county clerk, two deputies and one copyist, who shall be appointed by the county clerk, and who shall be paid the following compensation, one at one thousand eight hundred dollars per annum, one at one thousand two hundred dollars per annum, and one at nine hundred dollars per annum. All deputies and copyists shall be paid in the same manner and out of the same funds as the salary of the county clerk is paid. County clerk.

2. Sheriff, three thousand dollars per annum; *provided*, that there shall be and there is hereby allowed to said sheriff an under sheriff who shall receive a salary of one thousand seven hundred dollars per annum, and one deputy sheriff, who shall act as night jailer, at a salary of five hundred dollars per annum, and two deputy sheriffs who shall receive salaries of one hundred eighty dollars each per annum; the said under sheriff and the said deputies to be appointed by the sheriff and the salaries of whom shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid; *and provided, further*, that in addition thereto, the sheriff shall receive and retain for his own use and benefit all of the fees, per diem, mileage and expenses which are now or which may hereafter be allowed by law; and the fees and commissions for the service of all papers whatsoever issued by any court in the state outside of the county in and for which the sheriff is elected. Sheriff.

Recorder.

3. The recorder, two thousand four hundred dollars per annum; *provided, however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding seven cents per folio for each paper or document so recorded shall be entitled to the actual cost incurred by him monthly; *provided, further*, that the said recorder shall file with the county auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording.

Auditor.

4. The auditor, two thousand seven hundred fifty dollars per annum; *provided*, in counties of this class the auditor shall be allowed seven hundred eighty dollars per annum for extra help to carry out the duties of the office.

Treasurer.

5. In counties of this class the treasurer shall be tax collector and he shall receive a salary of three thousand dollars per annum. He shall be allowed one deputy at a salary of one thousand five hundred dollars per annum, one deputy at a salary of nine hundred dollars, and such extra help as may be necessary, not to exceed three hundred dollars in one calendar year.

Assessor.

6. The assessor, three thousand dollars per annum; *provided*, that in counties of this class the assessor shall be allowed one office deputy at a salary of one thousand two hundred dollars per annum; one draftsman at a salary of one thousand eight hundred dollars per annum; said deputy and said draftsman shall be appointed by said assessor and said salaries shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; *and provided, further*, that said assessor shall be allowed such field deputies, assistants, clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of three thousand one hundred dollars in any one year. Said field deputies, assistants, clerks and copyists shall be appointed by the said assessor and their salaries shall be paid by said county, in monthly installments, at the same time and in the same manner and out of the same funds as the assessor is paid, upon the assessor duly certifying to the county auditor, the names of, the position filled and the amount due to each. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation for the officer, and it is intended that the same shall apply immediately to the present incumbents.

District attorney.

7. The district attorney, two thousand dollars per annum; *provided*, that in counties of this class there shall be and it is hereby allowed to the district attorney, one deputy, to be appointed by the district attorney and who shall be regularly admitted to practice before the courts of the State of California. Said deputy shall receive a salary of six hundred dollars per annum, which salary shall be paid by said county in equal monthly installments at the same time and in the

same manner and out of the same fund as the salary of the district attorney is paid. The district attorney shall be allowed in addition to the monthly salary herein allowed the sum of eighty-five dollars per month, which shall be in full for all office stenographic services required by said district attorney in criminal actions and in civil actions and other matters in which the county is interested.

8. The coroner, such fees as are now or may be hereafter Coroner. allowed by law.

9. The public administrator, such fees as are now or may Public administrator be hereafter allowed by law.

10. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, a deputy which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. Superintendent of schools.

11. The county surveyor shall receive two thousand four Surveyor. hundred dollars per annum.

12. Board of supervisors, each member of the board of Supervisors. supervisors one hundred twenty-five dollars per month and no mileage, which shall be in full for all services and expenses incurred within the county; *provided*, that whenever it shall be necessary for any member of the board of supervisors to leave the county in and for which he is elected for the purpose of performing any of his duties, that then and in that event, said supervisor shall be allowed his actual expenses.

13. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows: Townships containing a population of ten thousand or more shall belong to and be known as townships of the first class; townships containing a population of less than ten thousand and more than six thousand shall belong to and be known as townships of the second class; townships containing a population of less than six thousand and more than four thousand shall belong to and be known as townships of the third class; townships containing a population of less than four thousand and more than two thousand shall belong to and be known as townships of the fourth class; townships containing a population of less than two thousand shall belong to and be known as townships of the fifth class; the population of the several judicial townships shall be determined for the purpose of this and the succeeding subdivisions by multiplying by three the total number of names registered as voters in such townships as shown by the complete index to great Classification of townships.

register as compiled and certified by the county clerk of said class of counties in October, A. D. 1912.

Justices of
the peace.

14. From and after January 4, 1915, justices of the peace of townships in said county shall receive the following salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal and civil cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one-half of the salaries therein provided for, to wit: In townships of the first class, two hundred dollars per month; in townships of the second class, one hundred twenty-five dollars per month; in townships of the third class, fifty dollars per month; in townships of the fourth class, thirty-five dollars per month; in townships of the fifth class, twenty-five dollars per month. All fees fixed and provided by law and collected by any justice of the peace shall be paid into the county treasury at the end of each month. Justices of the peace in the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each for any one month. Constables

Constables.

shall receive the following fees and salaries which shall be paid monthly and in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services of legal process by them in criminal actions, to wit: In townships of the first class, seventy-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, forty dollars per month; in townships of the fourth class, twenty-five dollars per month; in townships of the fifth class, fifteen dollars per month; *provided*, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county for traveling expenses incurred for the service of a warrant of arrest, or any other process, in a criminal case (where said service is in fact made), his actual expenses each way; for each mile traveled outside of his county, both going to and returning from the place of arrest or other service of process, his actual expenses each way; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way, which said actual expenses are hereby defined to be the actual cost of transportation of said constable or his prisoner or prisoners. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases.

Reporter.

15. The official reporter of the superior court shall receive the fees allowed by law.

Compensa-
tion in full.

16. In fixing the compensation of the above named officers in the amounts hereinabove specified, it is hereby expressly provided that the salaries and fees above provided shall be in full compensation for all services of every kind and de-

scription rendered by the officers named herein, either as officers or ex officio officers, their deputies and assistants; and it is hereby further expressly provided, that all of the fees, commissions, per diem and expenses provided for in section four thousand two hundred ninety of the Political Code of the State of California, and all other moneys coming into the hands of the county and township officers, no matter from what source derived or received, shall belong to and be the property of the county, in counties of this class, and shall be paid into the county treasury by said officers at the same time and in the same manner that other moneys are required by law to be paid into the county treasury by him: *save and except, however*, that the provisions of this subdivision shall not apply to the offices of sheriff, recorder, treasurer, district attorney, county surveyor and superintendent of schools, and they are expressly exempted from the provisions of this subdivision, and as to said offices herein last named, to wit, sheriff, recorder, treasurer, district attorney and superintendent of schools, they shall receive the salaries, fees and commissions provided for by law, and as provided for in subdivisions two, three, five, seven and ten of this act.

17. All officers who are allowed extra compensation for carrying out the work of their offices shall certify to the auditor the names of the persons to whom the money is paid and the amount, but in no event shall any person be allowed a greater per diem than three dollars for office work; *provided, further*, that the auditor shall certify to the county clerk. Extra compensation.

CHAPTER 848.

An act to repeal section two hundred eighty-eight a of the Penal Code, and to add thereto a new section, to be numbered two hundred eighty-eight a, prohibiting sex perversions and prescribing a penalty for violation of the provisions hereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two hundred eighty-eight *a* of the Penal Code is hereby repealed.

SEC. 2. A new section is hereby added to the Penal Code, to be numbered two hundred eighty-eight *a*, and to read as follows:

288a. Any person participating in the act of copulating the mouth of one person with the sexual organ of another is punishable by imprisonment in the state prison for not exceeding fifteen years. Sex perversions.

CHAPTER 849.

An act to amend sections one, seven, thirteen and fourteen of an act entitled "An act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an act entitled 'An act providing for the organization and management of mutual fire insurance companies'; approved March 19, 1907," approved May 1, 1911.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats. 1911,
p. 1342,
amended.

SECTION 1. Section one of an act entitled "An act providing for the organization and management of mutual fire insurance corporations and associations and defining same, and regulating the transaction of the business of mutual fire insurance in the State of California and repealing an act entitled 'An act providing for the organization and management of mutual fire insurance companies,' approved March 19, 1907," approved May 1, 1911, is hereby amended to read as follows:

Mutual
insurance
companies.

Section 1. Private corporations or associations may be formed for a term to be stated in their articles not exceeding fifty years for the purpose of insuring the property of their members against loss or damage in either or both of the following classes:

Fire
insurance.

(a) Fire insurance, including within its meaning insurance against loss or damage by fire, lightning, windstorm, tornadoes, or earthquakes.

Automobile
insurance.

(b) Automobile insurance, including within its meaning the insurance of the owners of or dealers in automobiles against any and all hazards, incident to ownership, maintenance, operation and use of such automobiles, except the hazard or liability against loss or damage resulting from an accident to or physical injury, fatal or nonfatal, suffered by any person as a result of the ownership, maintenance, operation or use of such automobile. No company shall assume any hazard or risk upon an automobile unless authorized to assume hazards or risks of that character by its charter or articles of incorporation.

Stats. 1911,
p. 1343,
amended.

SEC. 2. Section seven of said act approved May 1, 1911, is hereby amended to read as follows:

Statement
filed with
insurance
commissioner.

SEC. 7. Any mutual fire insurance corporation or association organized under the laws of some other state desiring to transact business in this state shall file with the insurance commissioner its last financial statement showing its condition on December thirty-first, next preceding the date of its application for admission, signed by its president and secre-

tary under oath and showing that it is possessed of cash assets of not less than two hundred thousand dollars, of which not less than fifty thousand dollars shall be net cash surplus over and above all liabilities including its reinsurance reserve as provided in section thirteen of this act. If such mutual corporation or association is authorized by its charter or articles of incorporation to assume hazards or risks upon automobiles, then such statement must show that it is possessed of cash assets of not less than two hundred fifty thousand dollars, of which not less than one hundred thousand dollars shall be net cash surplus over and above all liabilities, including its reinsurance reserve as provided in section thirteen of this act. Such mutual corporation or association shall also file a certificate from the insurance commissioner of the state in which said corporation or association is incorporated, certifying that in the judgment of the state insurance commissioner, the statement is correct and that the corporation or association is possessed of the cash assets and surplus above required. The insurance commissioner of this state upon receipt and examination of such statement and certificate and upon satisfying himself of the correctness thereof and of compliance with the law of this state applicable as shown by this act shall issue to such corporation or association a certificate of authority granting it full power to transact business under this act.

SEC. 3. Section thirteen of said act approved May 1, 1911, is hereby amended to read as follows:

Stats. 1911,
p. 1345,
amended.

Sec. 13. Whenever the liabilities of any corporation or association operating under this act for losses reported, expenses, taxes, reinsurance reserve upon all unexpired fire and automobile risks running one year or less from date of policy at fifty per cent, and upon all unexpired fire and automobile risks running more than one year from date of policy to be estimated pro rata, are greater than its admitted cash assets, or whenever the available resources of any company are less than the requirements under section four of this act, then such company or association is insolvent.

When
corporation
is insolvent.

SEC. 4. Section fourteen of said act is hereby amended to read as follows:

Stats. 1911,
p. 1345,
amended.

Sec. 14. The general provisions applicable to all corporations as expressed in part four, division first of the Civil Code of the State of California and all provisions contained in sections five hundred ninety-five, five hundred ninety-six, five hundred ninety-six *a*, five hundred ninety-seven, five hundred ninety-eight, five hundred ninety-nine, six hundred three, six hundred four, six hundred five, six hundred six, six hundred seven, six hundred eight, six hundred nine, six hundred ten, six hundred eleven, six hundred twelve, six hundred fifteen, six hundred sixteen, six hundred seventeen, six hundred eighteen, six hundred nineteen, six hundred twenty, six hundred twenty-one, six hundred twenty-two, six hundred twenty-three, six hundred twenty-seven, six hundred thirty-one, six hundred thirty-one *a*, six hundred thirty-two, six hun-

Code
sections
applicable.

dred thirty-three, six hundred thirty-four *a*, six hundred thirty-four *b*, of the Political Code of the State of California, and sections four hundred thirty-five and four hundred thirty-nine of the Penal Code of the State of California, and section three hundred eighty-eight of the Code of Civil Procedure of the State of California, also section four hundred fifteen of the Civil Code of the State of California and all other laws of the state relating to fire and automobile insurance, in so far as any section or law herein referred to is not inconsistent with or in conflict with the provisions of this act, are hereby made to apply to all corporations or associations operating under this act; *provided*, nothing herein shall relieve such corporations or associations from full compliance with the provisions of section fourteen of article thirteen of the constitution of the State of California and of all statutes enacted in aid thereof.

CHAPTER 850.

An act to amend section one thousand three hundred forty-eight of the Code of Civil Procedure, relating to corporations and associations acting as executors, administrators and testamentary trustees.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand three hundred forty-eight of the Code of Civil Procedure is hereby amended to read as follows:

Trust
companies
as
executors.

1348. Corporations or associations authorized to conduct the business of a trust company in this state may be appointed to act as an executor, administrator, guardian of estates, assignee, receiver, depository or trustee in like manner as individuals.

No such corporation or association shall be required to give any bond or security in case of any appointment herein provided for, but in lieu thereof it shall be liable on the securities deposited with the state treasurer, as required by law for the conduct of a trust company business, and shall be responsible for all assets entrusted to it to the same extent as an individual.

In all cases in which it is required that an executor, administrator, guardian of estates, assignee, receiver, depository or trustee, shall qualify by taking and subscribing an oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation if such oath be taken and subscribed or such affidavit be made by the president, vice president, secretary, manager, trust officer or assistant trust officer; *provided*, any such appointment as guardian shall apply to the estate only, and not to the person.

CHAPTER 851.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven d, relating to the salaries of superior court judges in and for the county of San Diego.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven d and to read as follows:

737d. The annual salaries of the judges of the superior court in and for the county of San Diego are six thousand dollars, one-half of which shall be paid by the state and the other half by the county for which the judges are elected or appointed.

Salaries of superior judges in San Diego county.

CHAPTER 852.

An act to amend section seven hundred fifty-nine of the Political Code, relating to the appointment of phonographic reporters for the district courts of appeal, and prescribing the duties and compensation of such reporters.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred fifty-nine of the Political Code is hereby amended to read as follows:

759. The district court of appeal of the third appellate district and each division of the district courts of appeal of the first and second appellate districts may employ and appoint a phonographic reporter, who shall be competent to write shorthand at the rate of at least one hundred fifty words per minute and to transcribe the same correctly. His duties shall be to take down in shorthand the proceedings of the court, and to act as secretary to the judges in the discharge of their official duties. His compensation shall be at the rate of three thousand dollars per annum. The phonographic reporter shall hold office during the pleasure of the court making the appointment.

Reporters for district courts of appeal.

CHAPTER 853.

An act to amend section fifteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds, approved June 16, 1913, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p 500,
amended.

SECTION 1. Section fifteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, as amended, is hereby amended to read as follows:

Teachers in
California
Polytechnic
School and
California
School for
the Deaf and
the Blind.

Sec. 15. Service of a teacher in the California Polytechnic School with a valid certificate or a teacher with or without a certificate in a state normal school, or the California School for the Deaf and the Blind, who holds a valid teachers' certificate when this amendment goes into effect or who may thereafter secure a state teachers certificate shall be equivalent to service under legal certificate in a day or evening school, and the time of said service in the California Polytechnic School, state normal school, or the California School for the Deaf and the Blind, shall be reckoned in determining the right of retirement salaries under the provisions of sections thirteen and fourteen of this act.

CHAPTER 854.

An act creating a cash revolving fund for the use of the state water commission in making determinations of water rights as provided by the "water commission act," approved June 16, 1913, making an appropriation therefor.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
revolving
fund, state
water
commission.

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be credited to the cash revolving fund for the state water commission, which fund is hereby created, to facilitate the work of said state water commission in making

determinations of water rights on the various streams and stream systems of the state as provided in the "water commission act," approved June 16, 1913. All or any part of the money in said fund may be drawn from the state treasury upon the approval of the state board of control without the submission of receipts, vouchers or itemized statements, and used by the state water commission in paying costs of making determinations of water rights as provided in the "water commission act." All fees collected under the provisions of section thirty-two of the "water commission act" shall be paid, at least once each month, into said fund, and the money so paid into said fund withdrawn and used as herein provided.

Sec. 2. The state controller is hereby authorized and directed to draw his warrant on the state treasury for the amount herein appropriated and the state treasurer is hereby directed to pay the same.

CHAPTER 855.

An act to amend section sixteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section sixteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, is hereby amended so as to read as follows:

Stats. 1913,
p. 1428,
amended.

Sec. 16. In counting actual experience for the purposes of this act, the State Board of Education shall determine what constitutes a school year; *provided*, that in no case shall leaves of absence amounting to school years, or half school years, be counted as service; *and provided, further*, that in reckoning the time of service for the purposes of this act, the night school term shall be considered the same as and equivalent to the day school term; *and provided, further*, that in reckoning the time of service for the purposes of this act, each month for which a teacher receives pay under contract for teaching in a public school of this state during an epidemic, and each month of service in the military and naval forces of the United States of America during war with any foreign power, when certified to by the proper authorities, shall be construed to be a month of service under the provisions of this act.

School year.

Service in
military
and naval
forces.

CHAPTER 856.

An act to amend section seven hundred fifty-six of the Political Code, relating to salaries of deputy clerks of supreme court.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred fifty-six of the Political Code is hereby amended to read as follows:

Salaries of
deputy
clerks of
supreme
court.

756. The annual salary of the chief deputy clerk of the supreme court shall be three thousand dollars; the annual salary of each of the deputy clerks of the supreme court shall be two thousand four hundred dollars. The salaries of the chief deputy clerk and the deputy clerks of the supreme court shall be paid out of the state treasury in the same manner and at the same time as the salaries of other state officers are paid.

CHAPTER 857.

An act to amend section seven hundred fifty-one and one-half of the Political Code, relating to the salary of the stenographer for the clerk of the supreme court.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stenographer
for clerk of
supreme
court.

SECTION 1. Section seven hundred fifty-one and one-half of the Political Code is hereby amended to read as follows:

751½. The clerk of the supreme court is hereby authorized to employ a stenographer, whose salary shall be one thousand eight hundred dollars annually, and be payable at the same time and in the same manner as other state officers are paid.

CHAPTER 858.

An act to amend section seven hundred thirty-nine of the Political Code, relating to salaries of officers of supreme court.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred thirty-nine of the Political Code is hereby amended to read as follows:

Salaries of
officers of
supreme
court.

739. The annual salaries of the officers connected with the supreme court are as follows: The reporter of the decisions of the supreme court and of the district courts of appeal, three thousand six hundred dollars; the assistant reporters of the decisions of the supreme court and of the district courts of

appel, not exceeding three in number, one at three thousand dollars and two at one thousand eight hundred dollars each; two phonographic reporters, each, three thousand dollars; two secretaries of the court, each, three thousand dollars; each bailiff, two thousand four hundred dollars; the librarian, one thousand five hundred dollars.

CHAPTER 859.

An act appropriating money for a cottage and equipment for patients at the Napa State Hospital.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for a cottage and equipment for patients at the Napa State Hospital.

Appropriation:
cottage,
Napa
State
Hospital.

CHAPTER 860.

An act appropriating money for the erection and equipment of a receiving and psychopathic building at the Stockton State Hospital.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the erection and equipment of a receiving and psychopathic building at the Stockton State Hospital.

Appropriation:
receiving and
psychopathic
building,
Stockton
State
Hospital.

CHAPTER 861.

An act to amend sections two and three of an act entitled "An act to provide for the establishment and maintenance of a bureau of tuberculosis under the direction of the state board of health; defining its powers and duties; providing for the granting of state aid to cities, counties, cities and counties and groups of counties for the support and care

of persons affected with tuberculosis; making an appropriation therefor, and repealing certain acts of the legislature of the State of California," approved June 12, 1915, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats. 1919,
p. 853,
amended.

SECTION 1. Section two of an act entitled "An act to provide for the establishment and maintenance of a bureau of tuberculosis under the direction of the state board of health; defining its powers and duties; providing for the granting of state aid to cities, counties, cities and counties and groups of counties for the support and care of persons afflicted with tuberculosis; making an appropriation therefor; and repealing certain acts of the legislature of the State of California," approved June 12, 1915, as amended, is hereby amended to read as follows:

SEC. 2. Section three of said act is hereby amended to read as follows:

Tuberculosis
hospitals.

Sec. 3. Every city, county, city and county, or group of counties is hereby authorized and empowered to establish and maintain a tuberculosis ward or hospital for the treatment of persons in the active stages of tuberculosis. Every city, county, city and county, or group of counties which establishes and maintains a tuberculosis ward or hospital shall receive from the state the sum of three dollars per week for each person suffering from tuberculosis, cared for therein at public expense who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support and who has been a bona fide resident of the state for one year; *provided*, that the city, county, city and county, or group of counties shall not become entitled to receive such state aid unless the tuberculosis ward or hospital conforms to the regulations of and is approved by the state bureau of tuberculosis. Said hospitals shall be allowed to receive pay patients. The medical superintendent of each hospital receiving state aid under this act shall render semiannually to the state bureau of tuberculosis a report under oath showing, for the period covered by the report, (1) the number of patients suffering from tuberculosis cared for therein at public expense, unable to pay therefor, and (2) the number of weeks of treatment of each such patient; *provided, further*, that, with the consent of the respective cities, counties, or groups of counties, an exchange of patients may be arranged through the bureau of tuberculosis without expense to the county except for transportation when such exchange seems necessary or desirable to assist in the patients' recovery.

State aid.

Pay
patients.

Delegate
from each
county.

Every group of counties desiring to establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis shall appoint, by its board of super-

visors, one of its members as a delegate, who shall attend the general meetings of the delegates of each county in said group; the necessary expense incurred in attending such meetings shall be a county charge.

The body thus formed shall be called the hospital central committee. The said delegates from each county are authorized and empowered to enter into an agreement with the other counties for and on behalf of the county appointing them binding said county to the joint enterprise and apportioning the cost of constructing and establishing said hospital and also apportioning cost of maintaining same. Hospital central committee.

All sums found due from any county according to its agreement duly entered into shall be a debt against said county and may be collected in the manner provided by law by the said hospital central committee or in its behalf by the board of supervisors of any county in said groups in any county thereof, by action instituted and tried in the county in which said hospital is situated. Sums due from county.

The hospital central committee shall have power to appoint a committee to supervise and superintend the construction of the building, approve the bills, and do the usual things required of a building committee.

The hospital central committee shall constitute the governing body of said hospital and shall have the same powers and duties in regard thereto that a board of supervisors has over the county hospital, and shall hold meetings to be governed, as provided by rules duly adopted by said committee for its government, which rules may provide for the addition of other counties to the group, and shall have power to appoint such committees as necessary and prescribe their duties. Powers of central committee.

Any land required may be acquired or disposed of by the hospital central committee in such manner as it may be determined by a three-fourths vote of the members thereof; *provided*, that all counties comprising a group shall have had notice of the intention to acquire or dispose of the same. Title to land may be held in the name of the entire group or in any county composing the same as trustee for the use and benefit of all, as may be determined by said hospital central committee. Acquisition and disposal of land.

Each county in said group is authorized, empowered, and directed to pay its proportionate share to the hospital central committee, of such amount as the said committee may designate, to constitute a cash revolving fund to carry on the usual work and expense of the hospital. Each month a statement of the expenses of said hospital shall be sent to the board of supervisors, of each county, together with a claim for its proportionate share of said expenses. Said amounts when collected shall be paid into said cash revolving fund. Proportionate share of each county.

Said hospital central committee shall have the power to determine and pass upon the right of admission to said hospital of applicants subject to the limitations of this act. Admission of applicants.

CHAPTER 862.

An act to amend sections two and four of an act entitled "An act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907, and amended 1909.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats 1909,
p. 195,
amended.

SECTION 1. Section two of an act entitled "An act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties." approved March 15, 1907, as amended, is hereby amended to read as follows:

Petition for
formation
of new
county.

Sec. 2. Whenever it is desired to divide any county or counties then existing and form a new county out of a portion of the territory of such then existing county or counties, a petition shall be presented to the board of supervisors of the county from which said new county is to be formed in case said county is to be formed from but one county, or to the board of supervisors of the county from which the largest area of territory is proposed to be taken for the formation of such new county in case said new county is to be formed from portions of two or more existing counties. Such petition shall be signed by at least sixty-five per cent of the qualified electors residing within the designated boundaries of the proposed new county as set forth in said petition, and not less than fifty per cent of the qualified electors residing within the county or counties out of which the proposed new county is to be carved. A qualified elector, within the meaning of this act, is one whose name appears on the great register or registers used at the general election held in the county or counties last preceding the presentation of said petition to the board of supervisors as herein provided. In cases where the proposed new county is to be formed from portions of two or more existing counties, separate petitions shall be presented from each county and each of said separate petitions shall be signed by at least sixty-five per cent of the qualified electors residing within each part or portion of each county out of which it is proposed to form the new county, and by not less than fifty per cent of the qualified electors residing in each of the counties out of which the proposed new county is to be carved. Such signatures need not be affixed to one paper, but may be signed to several petitions, but each must be identical in form, and when so signed the several petitions may be

Signatures
required.

fastened together and shall be treated and presented as one petition. Such petition or petitions shall contain:

A particular description of the boundaries of the proposed new county to be formed; and a statement that no line thereof passes within five miles of the county seat of any county proposed to be divided; Contents of petition.

A statement of the population in such proposed county, as near as may be;

A statement of the population remaining in the county or each of the counties from which such new county is to be established, as near as may be;

A statement of the area in square miles which will remain in the county or counties from which territory is taken to form such new county, after such new county is formed;

The name of the proposed new county;

A prayer that such proposed new county be organized into a new county under the provisions of this act.

There shall be attached to and filed with said petition or petitions the affidavits of three qualified electors and taxpayers within each county sought to be divided to the effect that they have read said petition or petitions and examined the signatures affixed thereto and that they believe that the statements therein are true and that it is signed by at least sixty-five per cent of the qualified electors of the proposed new county, or of the proposed portion thereof taken from each existing county, where the proposed new county is to be formed from portions of two or more existing counties, and by not less than fifty per cent of the qualified electors of the entire county out of which a new county is to be carved, and if the proposed new county is to be formed from two or more counties, than that it is signed by not less than fifty per cent of the qualified electors of each county out of which it is proposed to form said new county; that the signatures affixed thereto are genuine, and that each of such persons so signing was a qualified elector of such county therein sought to be divided, at the date of such signing. Affidavit.

Such petition or petitions so verified, and the verification thereof shall be accepted in all proceedings permitted or provided for in this act, as prima facie evidence of the truth of the matters and facts therein set forth.

Upon the filing of such petition or petitions and affidavit with the clerk of the said board of supervisors said board shall forthwith fix a date to hear the proof of the said petitioners and of any opponents thereto, which date must not be less than thirty nor more than forty days, subsequent to the filing of such petition with the clerk of said board. Hearing.

Said board of supervisors shall also at the same time designate a newspaper of general circulation published in the old county or each of the old counties, but not within the proposed new county, and also a newspaper of general circulation published within the boundaries of the proposed new county, if Notice of petition.

there be such, in which the said board shall order and cause to be published at least once a week for two weeks next preceding the date fixed for such hearing, a notice in substantially the following form:

NOTICE.

Notice is hereby given that a petition has been presented to the board of supervisors of ----- county (naming county represented by the board of supervisors with which said petition was filed) praying for the formation of a new county out of a portion of the said ----- county and ----- county (naming the county or counties out of which it is proposed to form the new county), and that said petition will be heard by the said board of supervisors at its place of meeting (designating the city or town and the day and hour of the meeting so to be held) when and where all persons interested therein may appear and oppose the granting of said petition and make any objection thereto.

Dated -----

By order of the board of supervisors, of ----- county.

By ----- chairman.

Attest:

----- county clerk.

Bond of
petitioners.

Said petitioners shall on or before the date fixed for said hearing, or on or before the date to which said hearing may have been adjourned, file with the said board of supervisors a bond to be approved by said board, in such amount as the said board shall designate, but not exceeding ten thousand dollars, payable to the county in which said petition is filed, conditioned that the obligors named in said bond will pay to said county all expenses incurred in the proceedings and elections provided for in this act, not exceeding the amount specified in said bond, in the event that at the election herein provided for the percentages of votes required by the provisions of this act to form a new county are not cast in favor of the formation of such new county.

Determina-
tion by
supervisors.

At the time so fixed for said hearing the board of supervisors shall proceed to hear the petitioners and any opponents, and may adjourn such hearing from time to time, not exceeding fourteen days in all, and shall receive the proofs offered to establish or controvert the facts set forth in said petition or petitions, and on the final hearing of such petition or petitions said board shall by resolution entered on its minutes determine:

First—The boundaries of the proposed new county, and the boundaries so determined by said board of supervisors shall be the boundaries of such proposed new county if it be created as herein provided.

Second—Whether the said petition contains the genuine signatures of at least sixty-five per cent of the qualified elec-

tors of the proposed new county, and of fifty per cent of the qualified electors residing within the county out of which the new county is to be carved as herein required, and in cases where said separate petitions are presented from portions of two or more counties, as herein required, whether each petition is signed by not less than sixty-five per cent of the qualified electors residing within that part or portion of each county out of which it is proposed to carve a new county and not less than fifty per cent of the qualified electors of each of the existing counties out of which it is proposed to form a new county as herein provided.

Third—Whether the establishing of the proposed new county will reduce the population of any county proposed to be provided to less than twenty thousand.

Fourth—Whether the proposed new county will contain a population of at least ten thousand.

Fifth—Whether any line of the proposed new county passes within five miles of the county seat of any county proposed to be divided.

Sixth—Whether the area of any existing county from which territory is taken to form such new county will be reduced to less than twelve hundred square miles by taking the territory proposed to be taken therefrom to form such new county.

Seventh—The class to which said proposed new county after its creation, shall belong, and the name of said proposed new county as herein provided.

In determining the population of the proposed new county and the population remaining in any county proposed to be divided after such division, the board of supervisors shall assume that such population is two and one-half times the number of names of qualified electors recorded on the great register at the date when said petition is filed in each of the counties proposed to be divided, as residents in the territory of which the population is required to be determine. Determining population.

On the final hearing said board of supervisors must, upon petition of not less than fifty per cent of the qualified electors of any territory lying within said proposed new county and contiguous to the boundary line thereof, and lying entirely within a single old county, and described in said petition, asking that said territory be not included within the proposed new county, make such changes in the proposed boundaries as will exclude such territory from such new county, and shall establish and define such boundaries; *provided*, that any changes made by said board shall not reduce the population of the proposed new county to less than ten thousand; petitions for exclusion shall be disposed of in the order in point of time in which they are filed with the clerk of the board of supervisors and on final determination of boundaries no changes in the boundaries originally proposed shall be made except as prayed for in said petition or petitions or to correct clerical errors or uncertainties. Change of boundaries.

Petition
filed in each
county.

When the proposed new county is to be formed from two or more existing counties, the board of supervisors with which said petitions shall have been filed, shall upon the adoption of a resolution provided for in this section, cause a certified copy of such resolution to be filed with the board of supervisors of each county out of which it is proposed to carve territory to constitute the new county.

Stats 1900,
p. 202,
amended.

SEC. 2. Section four of an act entitled "An act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907, as amended, is hereby amended to read as follows:

Canvass of
returns.

SEC. 4. When the petition is for the organization of a new county out of the territory of two or more counties, each board of supervisors shall upon the completion of a canvass of the vote to determine whether such territory shall be established and organized into a new county, forward to the board of supervisors before whom the said petition is pending, a certified copy of the result of said canvass, giving the total number of votes cast in such county for the organization of said proposed new county, and the total number of votes cast against the establishment and organization of the new county. If upon canvass of all votes cast at such election, it appears that fifty per cent of the total number of all the votes cast in each and every county which will be territorially affected by the organization of such new county, is "For the new county of -----—Yes," and sixty-five per cent of the votes cast within the territorial limits of the proposed new county as established by the board of supervisors is "For the new county of -----—Yes," the board of supervisors shall by a resolution entered upon its minutes declare such territory formed as a county of this state of the class to which the same shall belong, under the name of ----- county (naming it), and that the place (naming it) receiving the highest number of votes cast at said election for county seat shall be the county seat of said county until removed in the manner provided by law, and designating and declaring the persons receiving respectively the highest number of votes for the several offices to be filled at said election, to be duly elected to such offices, and prescribing the amount in which such officers must execute official bonds, where official bonds are required by law. Said board shall forthwith cause a copy of its said resolution duly certified, to be filed in the office of the secretary of state, and from and after the date of such filing said new county shall be deemed to be fully created, and the organization thereof shall be deemed completed and such officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties, as herein required. The clerk of the board of supervisors with which

Declaration
of
supervisors.

Resolution
filed with
secretary
of state.

said petition was filed, as herein provided, must immediately make out and deliver to each of said persons so declared and designated to be elected, a certificate of election authenticated by his signature and the seal of said board of supervisors. All the officers elected at said election or appointed under this act shall hold their offices until the time provided by general law for the election and qualification of such officers in this state and until their successors are elected and qualified and for the purpose of determining the term of office of such officers, the years said officers are to hold office are to be computed respectively from and including the first Monday after the first day of January following the last preceding general election.

If, however, upon such canvass, it appears that more than thirty-five per cent of the votes cast at the election held for the purpose of determining whether such proposed new county shall be established and organized, within the territorial limits of the proposed new county as established by the board of supervisors is "For the new county of ----- (naming it) —No," or if more than fifty per cent of the total vote of any county which will be territorially affected by the organization of said proposed new county is "For the new county of ----- (naming it) —No," the said board of supervisors shall pass a resolution in accordance therewith, and thereupon no further proceedings relative to the organization of said proposed new county nor any other proceeding for the division of any county any portion of which was included within said proposed new county, shall be instituted within one year after such determination.

17 proposi-
tion is lost.

CHAPTER 863.

An act making an appropriation for the support, maintenance and equipment of the college of agriculture of the University of California, including university farm school at Davis and the experimental stations under the control of the University of California.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of four hundred fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the additional support, maintenance and equipment of the college of agriculture of the University of California, including the university farm school at Davis and the experimental stations under the control of the University of California, to be expended for that purpose by the regents of the University of California. The money herein appropriated shall be subject

Appropriation: college of agriculture. University of California.

to audit by the board of control after expenditure by the regents of the University of California, and shall be exempt from the provisions of section six hundred eighty-three of the Political Code. It is further provided that the regents may with the permission of the board of control and without at the time furnishing vouchers and itemized statements draw from such appropriation a sum not to exceed ten per cent of the total amount appropriated, the sum so drawn to be used as a revolving fund where cash advances are necessary, and at the close of each year, or at any other time, upon the demand of the board of control to be accounted for and substantiated by vouchers and itemized statements, submitted to and audited by the board of control and the controller.

CHAPTER 864

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven d, relating to the salaries of superior judges.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven *d* and to read as follows:

Salaries of superior judges in Glenn and Tehama counties.

737d. The annual salary of each of the judges of the superior court of the counties of Glenn and Tehama is five thousand dollars per annum, one-half of which shall be paid by the state and the other one-half by the county in which the judge is elected or appointed.

CHAPTER 865.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven m, relating to the salaries of superior judges.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven *m* and to read as follows:

Salaries of superior judges in Solano and Napa counties.

737m. The annual salary of each of the judges of the superior court of the counties of Solano and Napa is five thousand dollars per annum, one-half of which shall be paid by the state and the other one-half by the county in which the judge is elected or appointed.

CHAPTER 866.

An act providing that one-half of the expense of maintenance of the fire boats "David Scannell" and "Dennis Sullivan," including salaries of the officers, firemen and crews thereof, shall be borne and paid by the State of California.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of one hundred twenty thousand dollars for the purpose of paying, not exceeding one-half of the expense of maintenance of the fire boats "David Scannell" and "Dennis Sullivan," owned by the city and county of San Francisco, so long as said fire boats shall remain in commission and are used on the bay of San Francisco for protection against fires of shipping and for the protection of the property of the state or any political subdivision thereof on the water front of San Francisco and elsewhere and also for like protection of the property of the people of the state or any political subdivision thereof situated in the cities and towns located on the bay of San Francisco and other navigable tributaries thereof.

Appropriation:
fire boats
on San
Francisco
bay.

SEC. 2. The board of fire commissioners of the city and county of San Francisco shall each month make an itemized account of the expenses of maintenance of said fire boats, including salaries of the officers, firemen and crews thereof, and file one copy thereof with the state board of harbor commissioners and one copy thereof with the state board of control. It shall be the duty of the board of state harbor commissioners of San Francisco to audit such account and certify to the same, whereupon it shall transmit such account so audited and approved to the said board of control.

CHAPTER 867.

An act appropriating money to provide for the grading, paving, curbing, gutteling and drainage of that portion of Oxford street, Berkeley, California, fronting upon property of the University of California.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. That the sum of thirty-two thousand, two hundred ninety (32,290) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended in

Appropriation:
paving
Oxford
street,
Berkeley.

accordance with law, for the grading, paving, curbing, guttering and drainage of the east half of Oxford street, between Allston way and Hearst avenue, and the west half of Oxford street between Center street and University avenue, in the city of Berkeley, all fronting on the property of the University of California, and to be expended for that purpose by the regents of the University of California.

CHAPTER 868.

An act to amend section one hundred three of the Code of Civil Procedure, relating to salaries of city justices.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one hundred three of the Code of Civil Procedure is hereby amended to read as follows:

Justice's
courts in
each
township.

103. There shall be at least one justice's court in each of the townships of the state, for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two justice's courts may be established in any township, designating the same in such order; and in such case, one justice of the peace must be elected in the manner herein provided for each of said courts. In every city of the first and one-half class there must be five justices of the peace, and in every city of the second class there must be two justices of the peace, and in every city of the second and one-fourth, second and one-half, second and three-fourths, third and fourth classes there must be one justice of the peace, to be elected in like manner by the electors of such cities or towns, respectively; and such justices of the peace of cities shall have the same jurisdiction, civil and criminal, as justices of the peace of townships and township justice's courts. Said justices of the peace of cities and justice's courts of cities shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of police courts, recorder's courts or mayor's courts, within such city. No person is eligible to the office of justice of the peace in any city of the first, first and one-half, second, second and one-fourth, second and one-half, second and three-fourths or third class, who

Two courts.

In cities.

Jurisdiction.

Qualifications of justices.

has not been admitted to practice law in this state; and no justice of the peace shall be permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in such city, town or county. Every city justice of the peace in any city of the first and one-half class shall receive a salary of four thousand two hundred dollars per annum. Every city justice of the peace in any city of the second class shall receive a salary of four thousand dollars per annum. Every city justice of the peace in any city of the second and one-fourth class shall receive a salary of three thousand dollars per annum. Every city justice of the peace in any city of the second and one-half class shall receive a salary of four thousand dollars per annum. Every city justice of the peace in any city of the second and three-fourths class shall receive a salary of two thousand four hundred dollars per annum. Every city justice of the peace in any city of the third class shall receive a salary of two thousand four hundred dollars per annum. Every city justice of the peace in any city of the fourth class shall receive a salary of one thousand five hundred dollars per annum. Each of said justices of the peace shall be provided by the city authorities, or by the board of supervisors in counties where the salary of the city justice of the peace is paid by the county, with a suitable office in which to hold his court. The compensation of the justice of the peace of any city shall be paid by warrants drawn each month upon the salary fund, or if there be no salary fund; then upon the general fund of such city or county, as the case may be, such warrants to be audited and paid as salaries of any other city or county officials. All fees which are chargeable by law for services rendered by such city justice of the peace in cities aforesaid shall be by them respectively collected and on the first Monday of each month every such city justice, or his clerk, shall make a report, under oath, to the city or county treasurer, as the case may be, of the amount of fees, so by him collected and pay the amount so collected into the city or county treasury, as the case may be, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justices.

CHAPTER 869.

An act to amend an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats. 1911,
p. 476,
amended.

SECTION 1. Section one of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, is hereby amended to read as follows:

Classifica-
tion of
municipal
corporations.

Section 1. All municipal corporations within the state are hereby classified as follows: Those having a population of more than five hundred thousand and not exceeding five hundred fifty thousand shall constitute the first class; those having a population of more than five hundred fifty thousand shall constitute the first and one-half class; those having a population of more than one hundred thousand and not exceeding five hundred thousand shall constitute the second class; those having a population of more than seventy thousand and not exceeding one hundred thousand shall constitute the second and one-fourth class; those having a population of more than fifty-five thousand and not exceeding seventy thousand shall constitute the second and one-half class; those having a population of more than thirty-five thousand and not exceeding fifty-five thousand shall constitute the second and three-fourths class; those having a population of more than twenty-three thousand, and not exceeding thirty-five thousand, shall constitute the third class; those having a population of more than twenty thousand and not exceeding twenty-three thousand shall constitute the fourth class; those having a population of more than six thousand and not exceeding twenty thousand shall constitute the fifth class; those having a population of not exceeding six thousand shall constitute the sixth class; *provided*, that nothing herein shall change the classification of existing cities organized under the municipal corporation act.

Stats. 1911,
p. 12,
amended.

SEC. 2. Section two of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, is hereby amended to read as follows:

Federal
census
adopted.

Sec. 2. The federal census taken in the year A. D. one thousand nine hundred twenty is hereby approved and adopted and the population of each and every municipal corporation in the state is hereby classed accordingly, and each shall remain in said class until the legislature shall reclassify the same after future federal censuses shall have been taken of the population of said municipal corporations, unless such municipal corporations shall elect to reorganize as hereinafter provided.

SEC. 3. Section three of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, is hereby amended to read as follows:

Sec. 3. The council, board of trustees, or other legislative body of any municipal corporation, may at any time cause an enumeration of the inhabitants thereof to be made and in such manner and under such regulations as such body may, by ordinance, direct. If upon such enumeration it shall appear that such municipal corporation contains a sufficient number of inhabitants to entitle it to reorganize under a higher or lower class or if it shall so appear from the federal census had subsequent to such municipal enumeration or in the absence of such municipal enumeration, then the common council, trustees or other legislative body may, or upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors thereof, shall submit to the electors of such city or town, at the next general or special election to be held therein, the question whether such city or town shall reorganize under the laws relating to municipal corporations of the class to which such city or town may belong. And thereupon such proceedings shall be had and election held, as provided in the general law for the reorganization, incorporation, and government of municipal corporations. If a majority of the votes cast at such election shall be in favor of such reorganization, thereafter such officers shall be elected as are, or may be, and at the time prescribed by law for municipal corporations of the class having the population under which such reorganization is had, and from and after the qualification of such officers, such corporation shall belong to such class. Whenever the result of such enumeration shall have been declared by the council, board of trustees, or other governing body, and entered in the minutes of such body, thereupon the number of such inhabitants so ascertained shall be deemed the number of inhabitants of such city for all the purposes of this act, and for the purposes of legislation affecting municipalities. The clerk of the council, board of trustees, or other governing body of such city shall cause a certified copy of such minute order to be filed in the office of the secretary of state.

Stats. 1890,
p. 141,
amended.

Enumeration
by city.

Reorganiza-
tion under
new class-
ification.

CHAPTER 870.

An act to amend section one hundred three and one-half of the Code of Civil Procedure, said amendment relating to clerks of justices' courts in cities or towns of the second and one-fourth, second and one-half, second and three-fourths and third classes, and appointments, salaries and duties of same.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one hundred three and one-half of the Code of Civil Procedure is hereby amended to read as follows:

Clerks of
justice's
courts.

103½. Every city justice's court in any city or town of the second and one-fourth, second and one-half, second and three-fourths and third classes shall have a clerk, who shall be appointed by the justice of the peace of said court, subject to the approval of the board of supervisors of the county, and shall hold office during the pleasure of said justice. Said clerk shall give a bond in the sum of five thousand dollars, with at least two sureties to be approved by the mayor, conditioned for the faithful discharge of the duties of his office. He shall keep a record of the proceedings of said court, and issue all process ordered by the justices of said court, and receive and pay into the city treasury all fines, forfeitures and fees paid into said court. He shall render each month to the city council an exact account under oath of all fines, forfeitures and fees paid and collected. He shall prepare bonds, justify bail, when the amount has been fixed by the court or justice, and may administer and certify oaths and shall remain in the courtrooms of said court during court hours and during such reasonable times thereafter as may be necessary for the proper performance of his duty. He shall have custody of all records and papers of said justice's court. Every clerk of the justice's court in any city or town of the second and one-fourth class shall receive a salary of one thousand six hundred dollars per annum. Every clerk of the justice's court in any city or town of the second and one-half class shall receive an annual salary of two thousand one hundred dollars. Every clerk of the justice's court in any city or town of the second and three-fourths class shall receive an annual salary of one thousand five hundred dollars. Every clerk of the justice's court in any city or town of the third class shall receive an annual salary of one thousand two hundred dollars; said salaries shall respectively be payable in equal monthly installments out of the treasury of said cities and said salaries shall be the full compensation for all services rendered by the clerks of said courts.

CHAPTER 871.

An act providing for the purchase of redwood timber lands in Humboldt and Mendocino counties, adjacent to the state highway, and making an appropriation therefor, and vesting authority and power in the state board of forestry to make said purchases, in the name of the State of California, from the moneys herein appropriated, and to manage and control said timber lands, and whenever necessary in their judgment to exercise the right of eminent domain in acquiring said lands by condemnation proceedings and empowering the state board of forestry to receive in the name of the people of the State of California gifts of land and to receive contributions from any source toward the purchase of or the care and maintenance of lands.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of three hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used solely for the purchase of timber land in Humboldt and Mendocino counties, south of the township line between townships one and two south, Humboldt base and meridian, adjacent to the state highway and on the present highway side of the south fork of Eel river.

Appropriation:
purchase of
redwood
timber land.

SEC. 2. This sum shall be subject to the control of the state board of forestry, which board is hereby empowered to purchase said timber lands, or to proceed by action at law in the superior courts of the State of California to condemn the same, or any portion thereof, in the name of the people of the State of California. The said state board of forestry is further empowered to receive in the name of the people of the State of California gifts of timber lands in the State of California or to receive contributions from any source toward the purchase of or the care and maintenance of lands; *provided*, that nothing herein contained shall be construed to abridge or curtail any existing right of owners of timber lands adjacent to land acquired hereunder to cross said lands and said board of forestry shall have the power to grant such necessary rights of way.

Powers
of state
board of
forestry.

SEC. 3. The said state board of forestry shall have full power and control over said timber lands when acquired and over the funds provided for the purchase and maintenance of the same, and shall make and enforce all necessary rules and regulations for the care, maintenance and government of the same and for the carrying out of the purpose of this act, and shall be allowed out of the money herein appropriated, all expenses, including the traveling expenses of the members of

Rules for
maintenance.

said board, necessary and requisite to carry out the purpose of this act.

Attorney
general to
examine
abstract
of title.

SEC. 4. No payment from the said sum of three hundred thousand dollars on any piece of land to be acquired under this act shall be made until an abstract or abstracts of title shall have been furnished to the attorney general of the State of California, and the said attorney general shall have examined said abstract or abstracts of title and shall have rendered and delivered to the said state board of forestry, his opinion in writing, certifying that no valid liens or incumbrances exist on said land, and that the title to said lands and the whole thereof is good and valid. It is hereby made the duty of the attorney general to examine said abstract or abstracts of title and to deliver and render to said board of forestry his said opinion in writing. The opinion of the attorney general, together with the said abstract or abstracts of title shall be filed in the office of the secretary of state.

CHAPTER 872.

An act to provide for work in and upon highways, streets, avenues, lanes, courts, places and sidewalks in the unincorporated territory of counties, and upon property and rights of way owned by counties, and for establishing and changing the grades of any such highways, streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of highway improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Street
work in
unincor-
porated
territory.

SECTION 1. All highways, streets, lanes, alleys, places or courts, now open or dedicated, in the unincorporated territory of any of the counties of this state, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public highways, streets, lanes, alleys, or courts, for the purposes of this act, and the board of supervisors of each county is hereby empowered to establish and change the grade of said highways, streets, lanes, alleys, places or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any work of the character mentioned in that act of the legislature known as the "Improvement act of 1911," as amended, which work shall be done in accordance with the procedure and in pursuance of the provisions of said improvement act and amendments thereto; and the provisions of said improvement act are hereby adopted by reference for the purposes of this act; *provided*, that certain

words used in said improvement act shall, for the purposes of this act, be construed as follows: the word "city" shall be construed as referring to "county," the words "city council" as referring to "board of supervisors," the words "street superintendent" or "city engineer" as referring to "county surveyor," the word "mayor" as referring to "chairman of the board of supervisors," the word "clerk" as referring to "chambers of the board of supervisors," the words "council chambers" as referring to "chambers of the board of supervisors," the words "city treasurer" as referring to "county treasurer," and all other words relating to municipal officers or matters as referring to the corresponding county officers or matters under this act.

SEC. 2. If the board of supervisors shall determine that the whole or any part of the cost and expenses of the work mentioned in this act shall be paid out of the treasury of the county, such payment, or any part of the same, may be made from the general fund of the county or general road fund of the county, or from the road district fund of the road district in which the said improvement shall be constructed.

Payment
by county.

SEC. 3. If any public highway lighting system shall be installed under the provisions of this act, the board of supervisors may, by ordinance, provide, at any time before, after or during the proceedings under this act, that the cost of maintaining the said public highway lighting system, including the cost of necessary repairs, replacements, fuel, current, care and others items of like nature, shall be paid, either partly or wholly, by the district upon which the assessment shall be levied to pay the cost of the installation of the same. The ordinance shall contain a description of the district to be assessed to pay for the installation of the said lighting system and to be assessed to pay for the maintenance thereof, and also shall contain a designation or name of the said district by which it may be referred to in all subsequent proceedings, and a copy of the said ordinance shall be filed in the office of the county assessor. The county assessor shall thereafter, in making up the assessment roll, segregate the property included within the district described in the said ordinance on the assessment roll under the designation contained in the said ordinance. The board of supervisors shall thereafter, in each year prior to the time of fixing the county tax rate, estimate the cost of maintaining the said public highway lighting system during the ensuing year, and shall decide whether or not the cost of the same shall be borne wholly or partially by the said assessment district, and shall, in addition to all other taxes, fix a special tax rate for the property within said assessment district sufficient to raise an amount of money to cover all of the portion of the expense of maintaining the said public highway lighting system to be borne by said district as the board of supervisors may determine.

Public
highway
lighting
system.

SEC. 4. The board of supervisors of any county are hereby authorized by ordinance to adopt a name for any road, highway, avenue or other public way in the county for which

Naming
highway.

a name has not been provided under the provisions of section two thousand six hundred thirty-six of the Political Code, and are hereby authorized by ordinance to establish the official grade of any road, highway, avenue, or other public way in the county for which no official grade has theretofore been established by ordinance. This act may be designated and referred to as the "county improvement act of 1921."

Title of act.

CHAPTER 873.

An act to add a new section to the Political Code to be numbered four thousand three hundred eight, providing a special fund to pay certain expenses of the district attorney.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand three hundred eight and to read as follows:

District attorney's special fund.

4308. There is hereby created in each county a fund to be known as the district attorney's special fund. It shall be the duty of the board of supervisors, within thirty days after this act takes effect, and annually thereafter, at the beginning of the fiscal year, to transfer from the general fund to the district attorney's special fund, such sum or sums as may be necessary from time to time so that there shall be in such fund at the beginning of each fiscal year available for use by the district attorney, the following amounts: In counties or cities and counties having a population of one hundred thousand or more the sum of five thousand (\$5,000) dollars; in all other counties such sums as the board of supervisors shall set aside, not to exceed two thousand five hundred (\$2,500) dollars. On the presentation of his requisition therefor by the district attorney to the auditor, said auditor shall draw his warrant in favor of the district attorney on such fund for such amounts as the district attorney may require from time to time. On presentation the treasurer shall cash said warrant. In their discretion the board of supervisors in counties having a population of one hundred thousand or more, in addition to the amounts hereinbefore mentioned, may transfer to such fund such additional sums as they deem necessary to be used by the district attorney as provided in this section. All such sums may be used by the district attorney for his expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and for such expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases and for expenses in any matters in which the county may be interested. The district attorney shall file vouchers with the

auditor at the end of each fiscal year, showing what disposition he has made of any moneys received from such fund and the particular purpose for which it was spent; *provided*, that if a criminal proceeding be pending or under investigation as to any moneys spent in such proceeding or investigation, such vouchers need not be filed until the trial of the criminal proceeding be ended or the investigation concluded; *provided, further*, that nothing in this section contained shall be construed as a limitation or affecting in any way the provisions of section four thousand three hundred seven of this code or any provision of law relative to the expenses of the district attorney which may be incurred by him and paid as are other county claims, after allowance by the board of supervisors, but the fund herein shall be in addition to any funds at the disposal of the district attorney as now provided by law; *provided*, this section shall not apply to any county or city and county operating under a charter where provision for a similar fund is made by law. The population herein provided for to be fixed by the federal census taken in the year A. D. 1920.

CHAPTER 874.

An act to amend section seven hundred fifty-eight of the Political Code, relating to the employees of the district courts of appeal.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred fifty-eight of the Political Code is hereby amended so as to read as follows:

758. The third district court of appeal may employ and appoint the following officers of the court, whose salaries shall be as follows:

One clerk at three thousand three hundred dollars per annum; one deputy clerk at two thousand four hundred dollars per annum; one phonographic reporter as provided in section seven hundred fifty-nine, and one bailiff at two thousand dollars per annum. Each of the first and second district courts of appeal may appoint the following officers of their respective courts whose salaries shall be as follows: One clerk at three thousand three hundred dollars per annum; two deputy clerks at two thousand four hundred dollars each per annum; two phonographic reporters as provided in section seven hundred fifty-nine; and two bailiffs at two thousand dollars each per annum; one deputy clerk; one phonographic reporter and one bailiff to be assigned to each division of this court.

Employees,
third
district
court of
appeal.

CHAPTER 875.

An act to amend section seven hundred thirty-nine of the Political Code, relating to the salaries of officers connected with the supreme court.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred thirty-nine of the Political Code is hereby amended to read as follows:

Salaries,
officers of
-supreme
court.

739. The annual salaries of the officers connected with the supreme court are as follows: The reporter of the decisions of the supreme court and of the district courts of appeal, two thousand five hundred dollars; the assistant reporters of the decisions of the supreme court and of the district courts of appeal, not exceeding three in number, one at two thousand four hundred dollars and two at one thousand two hundred dollars each; two phonographic reporters, each three thousand dollars; two secretaries of the court, each, three thousand dollars; each bailiff two thousand four hundred dollars; the librarian, one thousand five hundred dollars.

CHAPTER 876.

An act to amend section eleven of an act entitled "An act creating a state bureau of criminal identification and investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, approved March 20, 1905, and repealing an act entitled 'An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved May 31, 1917."

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats 1917,
p. 1393,
amended.

SECTION 1. Section eleven of an act entitled "An act creating a state bureau of criminal identification and investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, approved March 20, 1905, and repealing an act entitled 'An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau,

defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved May 31, 1917," is hereby amended to read as follows:

Sec. 11. The board of managers of this bureau, shall serve without compensation; *provided, however,* that they shall receive their necessary traveling expenses while attending meetings of said board. The salary of the superintendent shall be three thousand six hundred dollars per annum; the salaries of all other employees shall be fixed by the board of managers subject to the approval of the board of control. The superintendent and the other employees shall be paid in the same manner and out of the same fund as the state officers are paid.

Salary of superintendent

CHAPTER 877.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven d, relating to salaries of superior judges in Fresno and Sonoma counties.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered seven hundred thirty-seven d, and to read as follows:

737d. The annual salaries of the judges of the superior courts in the counties of Fresno and Sonoma are six thousand dollars, one-half of which shall be paid by the state and the other half thereof by the county for which the judge is elected. The provision hereof shall apply to incumbents thirty days after this act takes effect.

Salaries of superior judges, Fresno and Sonoma counties.

CHAPTER 878.

A. L. 378

An act to amend section one thousand six hundred nine of the Political Code, relating to the powers and duties of boards of school trustees, and city, and city and county boards of education.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand six hundred nine of the Political Code is hereby amended to read as follows:

1609. Boards of school trustees, and city, and city and county boards of education shall have power and it shall be their duty:

Principal.

Superintendent of schools.

Teachers.

Pay.

First—To employ a principal for each school under their control, and they may employ a district superintendent for one or more schools employing eight teachers or more under their control. In each city school district governed by a city board of education, such board may employ a city superintendent of schools and such deputy or assistant city superintendents as it may deem necessary and fix and order paid their compensation unless the same be otherwise prescribed by law. Any deputy city superintendent of schools, or assistant city superintendent of schools, or district superintendent may be elected for a term of four years.

Second—To employ the teachers, as provided in part fifth of this section; also to employ janitors and other employees of the school; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board shall enter into any contract with such employees, other than teachers, to extend beyond the close of the next ensuing school year; except that teachers may be elected on or after May second for the next ensuing school year and each teacher so elected shall be deemed reelected from year to year except as hereinafter specified; *provided*, that any teacher who shall fail to signify his acceptance within twenty days after notice of his election or employment shall have been given him by the clerk or secretary of the governing board of the school district, or shall have been mailed to him by such clerk or secretary by depositing such notice in the United States post office, with postage thereon prepaid, addressed to such teacher at his last known place of address, shall be deemed to have declined the same. Any board of trustees, or city, or city and county board of education may arrange to pay the teachers or principals so employed by them in ten or eleven or twelve equal payments instead of by the school month; *provided, however*, that where the board of trustees or city or city and county board of education arranges to pay the teachers or principals so employed by them in twelve equal payments for the year, they shall begin such payments on the first day of the calendar month following the opening of schools for the current year in all cases where school is opened during the month of July, and in all cases where school is not opened during the month of July, the board of trustees or city boards or city and county boards of education may withhold such warrant or warrants which may have fallen due prior to the opening of school until the teachers or principals so employed by them shall have returned to the employment for which they were engaged by the board of school trustees or the city or city and county board of education and shall have resumed their respective duties, and then such payments shall be continued from month to month on the first day of each calendar month thereafter until said teachers have been paid the full amount

due to them for that fiscal year; *provided*, that a teacher who serves less than a full school year is entitled to receive as salary only an amount that bears the same ratio to the established annual salary for such position as the time he teaches bears to the annual school term; *provided*, that whenever the first day of the month falls upon a holiday, payment of teachers' salaries shall be made on the following day.

Third—To appoint, and, in their discretion, pay district librarians, and enforce the rules prescribed for the government of district libraries. District librarians.


Fourth—To employ in their discretion supervisors of subjects and fix and order paid their compensation unless the same be otherwise prescribed by law. Supervisors.

Fifth—(a) To employ, as teachers, only persons who hold legal certificates for teaching in full force and effect, and on file at the time of such appointment in the office of the county superintendent of schools, to serve as substitutes, probationary or permanent teachers, and to give the county superintendent of schools immediate notice in writing of such employment on blanks furnished by the superintendent of public instruction, stating the name and address of each person thus employed. Powers regarding teachers.

(b) To fix and prescribe the duties to be performed by principals, teachers, librarians, janitors and all other employees in the school district.

(c) To classify as substitute teachers those persons employed as teachers from day to day for less than one school year, to fill positions of regularly employed teachers absent from service.

(d) To classify as probationary teachers those persons employed as teachers for the school year, and who have not been classified as permanent teachers, as hereinafter provided, such classification to be made at the time of employment, and thereafter in the month of July of each school year.

(e) To classify as permanent teachers all persons who shall have been successfully employed as teachers by the district for two consecutive school years at the time of classification; *provided, also*, that the two years of successful service shall have been performed in a district employing at least eight teachers under a principal who shall devote at least two hours per day to supervision in the school or schools under his control. Such classification shall be made at the end of the two years of such employment. 

(f) To grant leaves of absence to teachers.

(g) To accept the resignation of any teacher and to fix the time when such resignation shall take effect, which date shall not be later than the close of the school year during which such resignation shall have been received by such board.

(h) To dismiss substitute teachers at any time at the pleasure of the board. Dismissals.

(i) To dismiss probationary teachers during the school year for cause only, as in the case of permanent teachers, except that on or before the tenth day of June in any year

Dismissals.

the governing board may give notice in writing to a probationary teacher that his services will not be required for the ensuing school year. Such notice shall be deemed sufficient and complete when delivered in person to the teacher by the clerk or secretary of the governing board of the school district or deposited in the United States registered mail with postage prepaid, addressed to such teacher at his last known place of address.

(j) To dismiss permanent teachers, principals, or supervisors of special subjects, except as hereinafter provided, only for one or more of the following causes, after a fair and impartial public hearing. Causes for dismissal are immoral or unprofessional conduct, incompetence, evident unfitness for teaching, persistent violation of or refusal to obey the school laws of California, or reasonable rules prescribed for the government of public schools.

Dismissal for cause shall be made only after the following provisions shall have been complied with: The governing board shall give at least ten days notice in writing to any permanent teacher or principal or supervisor of special subjects against whom charges shall have been preferred, which notice shall state fully the charges, and the time when and the place where such hearing is to be held.

The governing board shall hold such hearing under reasonable rules which it shall adopt, and the teacher against whom charges shall have been preferred shall have the right to be represented by counsel, and to call witnesses on his own behalf and take their testimony at the hearing and to cross examine all other witnesses who may testify at such hearing; *provided*, that such hearing shall be confined to charges only.

The board may dismiss any permanent teacher after a hearing as in this section provided, upon proof of the charges covering any one or more of the causes for dismissal enumerated in this section, upon the affirmative vote of the majority of the board. No member of the board shall be qualified to vote who has not been present throughout the entire hearing. Such trial shall have been concluded and the decision rendered within ten days after the beginning of said trial.

It is hereby provided, however, that whenever it becomes necessary to decrease the number of permanent teachers employed by a school district on account of the decrease in the number of pupils attending the schools of such district, or on account of the discontinuance of a particular kind of teaching service in such district, the governing board may dismiss such teacher or teachers at the close of the school year.

If the dismissal of such teacher or teachers shall become necessary on account of the decrease in the number of pupils attending the schools of the district, such teacher or teachers so dismissed shall be the teacher or teachers last employed by the district.

If the dismissal of such teacher or teachers shall become necessary on account of the discontinuance of a particular

kind of teaching service in the district, the teacher or teachers so dismissed shall be the teacher or teachers engaged in the type of teaching work so discontinued. If such a course is reestablished within one year from the time of such discontinuance, the teacher or teachers so dismissed shall have the preferred right to appointment as teacher or teachers of such course. Dismissals.

The board shall give any teacher who shall be dismissed under this proviso a statement of honorable dismissal.

Nothing in this act shall be construed in such manner as to deprive any teacher of his rights and remedies in a court of competent jurisdiction on a question of fact and law.

Sirrh—To provide in cities, and in cities and counties, having boards of education, and in other districts employing thirty or more teachers for the payment of the traveling expenses of any representative of the board of education, when performing services directed by said board.

All employments under the provisions of this section shall be subordinate to the right of the legislature to amend or repeal this section at any time, and nothing herein contained shall ever be held, deemed or construed to confer upon any person employed pursuant to the provisions hereof a contract which will be impaired by the amendment or repeal of this section.

CHAPTER 879.

An act to add a new section to the Political Code, to be numbered seven hundred thirty-eight d, relating to salaries of superior judges in Tulare county.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered seven hundred thirty-eight d, and to read as follows:

738d. The annual salaries of the judges of the superior court in the county of Tulare are five thousand dollars, one-half of which shall be paid by the state and the other half thereof by the county for which the judge is elected. Salaries of
superior
judges,
Tulare
county.

CHAPTER 880.

An act to appropriate money for the use of the state highway commission of the State of California to augment the funds available for the construction of the state highway between San Bernardino and Yuma.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation. San Bernardino-Yuma state highway.

SECTION 1. The sum of three hundred fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used by the state highway commission for the construction of a permanent type road on, over, or along the survey of the San Bernardino-Yuma road.

SEC. 2. The said fund of three hundred fifty thousand dollars is created for the specific purpose of augmenting the funds that are now available, or may hereafter be made available for such road by the sale of state highway bonds, and shall be in addition to and in no sense in lieu of the fund accruing from the sale of said bonds, nor shall said sum of three hundred fifty thousand dollars be made a part of said fund accruing from the sale of said bonds.

SEC. 3. It is hereby specifically provided that the aforesaid three hundred fifty thousand dollars shall be expended on the desert section of the said San Bernardino-Yuma road, more specifically described as "VII Imp.-27-A East Highline Canal to County Well—21.05 miles. VII Imp.-27-B County Well to State Line opposite Yuma," according to the plats, and profiles in the office of the state highway engineer.

CHAPTER 881.

An act appropriating money for the erection and equipment of quarters for employees at Agnews State Hospital.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation: employees' quarters, Agnews State Hospital.

SECTION 1. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the erection and equipment of quarters for employees at Agnews State Hospital.

CHAPTER 882.

An act to amend section six hundred thirty-three a of the Political Code, relating to licensing of insurance and surety brokers.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section six hundred thirty-three a of the Political Code is hereby amended to read as follows:

633a. No person, firm or corporation shall within this state act as an insurance broker until such person, firm or corporation shall have first obtained a license from the insurance commissioner authorizing him or it so to act. License to act as insurance broker.

Any person, firm or corporation, other than an insurance or surety company or society, or other insurer, or agent of such company or society or other insurer, or employee compensated by salary only and acting on behalf of such company or society or other insurer, or agent, or a medical examiner for a life insurance company or society, who for compensation acts or aids in any manner in negotiating contracts of insurance or surety bonds or reinsurance or placing risks, or effecting insurance or reinsurance for a party other than himself or itself, shall be an insurance broker within the meaning of this section. Insurance broker defined

The insurance commissioner shall upon the payment of the fee provided for in section six hundred five of the Political Code, issue to a person, firm or corporation, engaged steadily in business in this state, or who proposes to so engage, a license to act as an insurance broker to negotiate contracts of insurance or surety bonds or reinsurance, or place risks, or effect insurance or surety bonds or reinsurance, with any insurance or surety company or society or other insurer authorized to transact such business within this state, or with its agent, or with another broker; *provided, however*, that such proposed licensee shall first file with the insurance commissioner of the State of California, upon a form to be prescribed and furnished by said insurance commissioner, an application in writing duly verified under oath, reciting: License issued. Application.

First—The applicant's full name and address;

Second—The applicant's experience in the insurance or surety business;

Third—If the applicant is engaged in any other business than insurance brokerage, the nature of such business and the name under which it is conducted;

Fourth—If the applicant be a copartnership, the names of the partners comprising such copartnership, or if the applicant be a corporation, the names of the officers and principal stockholders thereof;

Fifth—That the applicant intends to steadily carry on in good faith the occupation of an insurance broker, and that said applicant does not seek a license as an insurance broker for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this state.

Statement
of broker.

Such proposed licensee shall also file with the insurance commissioner of the State of California a statement of an insurance broker or an official or other representative of an insurance or surety company or other insurer, licensed to transact business in this state, setting forth:

(a) The applicant is known to him and is engaged steadily, or intends to so engage, in the occupation of an insurance broker;

(b) The applicant has a reasonable knowledge of the insurance and/or surety bond business and particularly of the kinds of contracts he intends to negotiate or will obtain such instruction within thirty days;

(c) The applicant is of a good reputation;

(d) The applicant is worthy of a license;

and the said licensee shall make answer under oath to such interrogatories as the insurance commissioner himself, or through his deputies or persons designated by him, shall propound on forms prepared by the commissioner.

Qualifica-
tions of
applicant.

No license shall be issued until the commissioner has satisfied himself from the evidence produced and recorded as to the integrity of the applicant, and that said applicant is qualified to hold a license in the following respects:

(1) That the applicant is of good reputation;

(2) That he has a reasonable knowledge of the insurance and/or surety bond business and of the coverage afforded under policies or surety bonds the applicant intends to negotiate, or will obtain such instruction within thirty days to the end that the interests of the insuring public and of insurers may be reasonably served;

(3) That the applicant intends to engage in business as an insurance broker, to do an insurance brokerage business with the general public, and is not actuated principally in applying for a license by the prospect of insuring the health, life, interest or property of himself or that of relatives or employers or of a single person or corporation or procure surety bonds thereon or therefor, nor the procuring of surety bonds or the insuring of property or interest of which he is himself or through his employer or employers as agent, vendor, custodian, bailee, trustee, payee, or otherwise interested or able to control the obtaining or placing of insurance or surety bonds thereon or therefor, in whole or in part;

(4) That the applicant has never been refused a license or had a license revoked by any insurance department for reasons that should preclude the granting of the license applied for;

(5) That the applicant intends to carry on in good faith the business of an insurance broker and that said applicant does not seek a license as an insurance broker for the purpose

of avoiding or preventing the operation or enforcement of the insurance laws of this state and that the granting of the license applied for will not be in violation of such laws either in letter or in spirit: *provided*, that no license shall be refused by the insurance commissioner without providing an opportunity to the applicant within thirty days to be heard and produce evidence in support of his application.

In case an insurance broker's license is issued to an individual or a firm, association or corporation, the applicant shall specify all officers, members, partners, or employes who are actively engaged in selling or soliciting insurance or surety bonds for such broker and who may desire to solicit or sell insurance or surety bonds under such license and they shall satisfy the commissioner as to their qualifications.

If it shall be brought to the attention of the insurance commissioner, or if written charges be filed with him, showing that any broker licensed hereunder has wilfully misstated any material fact in his application, or that the purpose of applying for such license was to avoid or prevent the operation or enforcement of any antirebate law or any insurance law of this state, or that such broker conducts his business in a dishonest manner or misrepresents the policies or contracts he sells or misrepresents the policies or contracts of agents or companies or other insurers, or is incapable, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, or if said broker licensed hereunder obtained his license in an unfair manner or by concealment or misrepresentation, then the insurance commissioner shall give notice to such broker and cite him to appear before the insurance commissioner and show cause why his license as an insurance broker should not be suspended or revoked. If at the hearing of said order to show cause it should appear that said broker has wilfully misstated any material fact in his application to the insurance commissioner, or that the purpose in applying for such license was to avoid or prevent the operation of any antirebate law or other insurance law of this state, or that such broker conducts his business in a dishonest manner or misrepresents the policies or contracts of agents or companies or other insurers, or is incapable, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, or that said broker has obtained his license in an unfair manner or by concealment or misrepresentation, then the commissioner shall revoke or suspend for a period to be fixed by the commissioner, the license of such broker and shall notify the broker of the revocation or suspension, and shall publish a notice of the revocation or suspension of the license of such broker in such a manner as he deems proper for the protection of the public.

If at any time the commissioner revokes or suspends the license theretofore issued to a broker licensed hereunder or refuses to grant a license, the applicant, or the broker, may commence an action against the insurance commissioner for

Revocation
or suspension
of
license.

Action to
review
facts.

the purpose of reviewing the facts pertinent to the controversy and for the purpose of obtaining relief or cancelling the act of the insurance commissioner. In any such action the court shall have full power to investigate all the facts de novo without regard to the determination previously made by the insurance commissioner. All of the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals shall be applicable to such action.

Such action shall be commenced and tried in the superior court of the county in which such broker or other person licensed hereunder resides unless the parties thereto stipulate otherwise.

Nonresident
brokers.

The insurance commissioner shall upon application issue to nonresident insurance brokers engaged steadily in business in this state a license to transact an insurance brokerage business in this state subject to the same qualifications, requirements, restrictions and fees as provided for resident insurance brokers; *provided*, such application for a nonresident insurance broker's license is from an insurance broker whose head office is in a state that does not prohibit insurance brokers of this state from engaging in the insurance brokerage business in such state.

Expiration
of license.

Unless revoked by the commissioner, the license or any renewal thereof, shall expire on the first day of July next after its issue or renewal. After this section takes effect, any license issued on an application as hereinbefore provided may in the discretion of the insurance commissioner be renewed for a succeeding year by a renewal certificate without the commissioner requiring the detailed information required by this section.

Penalty.

Any person who shall act or offer to act or assume to act as an insurance broker, unless licensed by the insurance commissioner as provided in this section, or after such license has been suspended or revoked, unless proceedings are pending in the courts to review the act of the commissioner, shall be guilty of a misdemeanor.

Insurance
business not
affected.

Nothing in this section shall apply to, refer to, or in any way affect county mutual fire insurance companies or their agents, or title insurance business, or fraternal benefit societies, or the business of reciprocal or interinsurance, or the agents or employees or brokers of reciprocal or interinsurance exchanges.

CHAPTER 883.

An act making an appropriation for the survey and location of a state highway from Madera to the boundary of the Yosemite National Park near the Mariposa big trees.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of thirty thousand dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the location and survey of a state highway from Madera to a point on the boundary line of the Yosemite National Park near the Mariposa big trees connecting with the park road to the Yosemite valley. Such moneys to be expended in accordance with law in carrying out the purposes of this act.

SEC. 2. The department of engineering may make such variation in the location of said highway as in the opinion of said department may be deemed advisable.

Appropriation.
Madera-Yosemite state highway

CHAPTER 884.

An act appropriating money for furnishings and equipment for the Pacific Colony.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty-four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for furnishings and equipment for the Pacific Colony.

Appropriation:
equipment,
Pacific Colony.

CHAPTER 885.

An act to amend sections one, three a, three b, three c and three d and four, of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of this act," approved March 29, 1903, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act entitled "An act to enforce the educational rights of children and providing

Stat. 1919,
p. 406,
amended.

penalties for the violation of this act" as amended is hereby amended so as to read as follows:

Compulsory
school
attendance.

Section 1. Each parent, guardian or other person having control or charge of any child between the ages of eight and sixteen years, not exempted under the provisions of this act, shall be required to send such child to a public full-time day school for the full time for which the public schools of the city, city and county or school district in which the child resides shall be in session; and any parent, guardian or other person having control or charge of any minor between the ages of eight and sixteen years who removes such minor from any city, city and county, or school district before the completion of the then current school term, shall enroll such minor in a public full-time day school of the city, city and county, or school district to which such minor is removed; *provided*, that the following classes of children shall be exempted by the proper school authorities from the requirements of attendance upon a public full-time day school:

Exemptions.

Physical or
mental
disability.

(1) Children whose physical or mental condition is such as to prevent or render inadvisable attendance at school or application to study; *provided*, that a certificate to this effect by a regularly licensed physician, shall be filed with the clerk of the board of trustees or board of education of the school district.

Distance
from school

(2) Children residing more than two miles from the school house by the nearest traveled road; *provided*, that such children shall be exempted only upon the written approval of the superintendent of schools of the county; notice whereof shall be filed with the clerk of the board of trustees or board of education of the school district.

Instruction
by private
school.

(3) Children who are being instructed in a private full-time day school by persons capable of teaching; *provided*, that such school shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of this state; *and provided, further*, that the attendance of such pupils shall be kept by private school authorities in a register, such record of attendance to indicate clearly every absence of the pupil from school for a half day or more, during each day that school is maintained during the year.

Instruction
by private
tutor.

(4) Children who are being instructed, in study and recitation, for at least three hours a day for one hundred sixty days each calendar year by a private tutor or other person, in the several branches of study required to be taught in the public schools of this state, and in the English language; *provided*, that such tutor or other person shall be capable of teaching; *and provided, further*, that such instruction shall be offered between the hours of eight o'clock a.m. and four o'clock p.m.

Permits
to work.

(5) Children who hold permits to work granted under the provisions of this act; *provided*, that such children shall be subject to compulsory attendance upon part-time classes as

provided for persons between sixteen and eighteen years of age under the provisions of an act entitled, "An act to require certain high school districts to provide part-time educational opportunities in civic and vocational subjects for persons under eighteen years of age, who are not in attendance upon full-time day schools, and part-time educational opportunities in citizenship for persons under twenty-one years of age who can not adequately speak, read or write the English language; to enforce attendance upon such part-time classes where established, and providing penalties for violation of the provisions of this act," approved May 27, 1919.

SEC. 2. Section three *a* of said act is hereby amended so as to read as follows: Stats 1919,
p. 409,
amended.

Sec. 3*a*. *First*—The superintendent of schools of any city or any city and county or of any county (over such portions of any county as are not within the jurisdiction of any superintendent of city schools). or a person authorized by him in writing, shall have authority to issue to certain minors permits to work as herein specified: Permits
to work.

(1) To a minor under the age of sixteen years and over the age of fifteen years who has completed the equivalent of the seventh grade of a public school course.

(2) To a minor under the age of sixteen years and over the age of fourteen years who holds a diploma of graduation from the prescribed elementary school course; *provided*, that a permit of this class shall be issued only when the parent or parents, or foster parent or foster parents, or guardian of the minor child shall present a sworn statement that the parent or parents, or foster parent or foster parents, or guardian of such minor is incapacitated for labor through illness or injury or that through the death or desertion of the father of such minor, the family is in need of the earnings of such minor and that sufficient aid cannot be secured in any other manner. The person issuing a permit under this paragraph shall make a signed statement that he, or a competent person designated by him has investigated the conditions under which the application for such permit has been made and has found that, in his judgment, the earnings of such minor are necessary for such family to support such minor and that sufficient aid can not be secured in any other manner and in no case shall such permit be issued for a period of time to exceed six months from the date of issuance.

Second—No permit as hereinbefore described may be issued until the minor in question, accompanied by his parent or guardian, shall appear before the person authorized to issue such permits and make application therefor and no permit may be issued until the issuing authority has received, examined, approved and filed the following papers duly executed: Application
for permit.

(1) The school record of such minor giving age, grade, and attendance for the current term signed by the principal or teacher.

(2) Evidence of age, such as the school record of enrollment, or a certificate of birth, or a baptism certificate duly attested, or a passport, or affidavit of the parent, guardian or custodian of such minor, such as shall convince such officer that the minor is of the age required by law.

(3) The written statement from a prospective employer that work is waiting for the minor and describing the nature of such work.

(4) A certificate signed by a physician appointed by the school board, or by other public medical officer, stating that such minor has been thoroughly examined by him, and, in his opinion, is physically fit to pursue the work specified; *provided, however*, that no fee shall be charged the minor for such physician's certificate.

The parent, guardian, or custodian accompanying the minor shall make oath that his statement of the name, address, birthplace, and age of the minor in question as entered upon such application are true and correct to the best of his knowledge and belief.

Permit to
work outside
of school
hours.

Third—The person authorized to issue permits to work to minors under the age of sixteen years exempting such minors from full-time day school attendance, may also issue to any minor over the age of fourteen years, a permit to work outside of school hours for a period of time which when added to the time such minor is required by law to attend school shall not exceed eight hours in any one day; *provided*, that the person issuing any such permit to work outside of school hours, shall immediately notify, in writing, the principal of the school which the minor is attending and if at any time the teacher of such minor can show to the satisfaction of the person issuing such permit to work that the school work or the health of such minor is being impaired by such employment the authority issuing such permit may revoke the same.

Vocational
course in
place of
employment.

Fourth—Upon the recommendation of the principal of the school which any minor over the age of fourteen years is attending and has been attending during the next preceding school year, the supervisor of attendance or where such school officer does not exist the superintendent of schools, having jurisdiction over the place of such school attendance may assign such minor to a vocational course in a place of employment, such employment to be in lieu of the regular school course which such minor is pursuing; *provided*, that such assignment shall not be made until the recommendation of the school principal has been approved by the superintendent of public instruction, and until a permit to work has been issued to such minor by the person authorized to issue permits to work as described in section three *a first* of the act. Such permit to work shall specify the hours which the minor in question shall be required to attend part-time continuation classes. Any minor assigned to a vocational course as hereinbefore described shall be continued under the jurisdiction of the

school last attended and may at any time be returned to the classes therein by the supervisor of attendance making such assignment when in the judgment of such supervisor of attendance it is deemed that the educational, physical, or moral interests of the minor in question would be best served thereby.

Fifth—The authority issuing any permit to work which exempts the minor from full-time day school attendance, shall immediately notify in writing the person in charge of the organization and maintenance of part-time continuation classes of the place of the minor's prospective employment, and the parent or guardian of the minor shall be required to send such minor to the classes thus designated.

SEC. 3. Section three *b* of said act is hereby amended so as to read as follows:

Stats. 1919,
p. 410,
amended.
Vacation
permits.

Sec. 3*b*. *First*—Any minor over the age of twelve years and under the age of sixteen years who holds a vacation permit as hereinafter provided may be employed on the regular weekly school holiday and during the regular vacation of the public school and during the period of a specified occasional public school vacation in any of the establishments or occupations not otherwise prohibited by law. Vacation permits shall be signed by the principal of the school which such minor is attending, or has attended during the term next preceding any such vacation, or if such school is not in session by the custodian of the school records of such school, from which records the age of the minor shall be transcribed. Such permit shall contain the name and age of the minor to whom it is issued, and when issued for the regular vacation, the date of the termination of the vacation for which it is issued; and when issued for the regular weekly school holiday, the termination of the school year for which it is issued; *provided*, that for employment in a mill, cannery, workshop, factory, or manufacturing establishment, the age of the minor shall be established as in the case of the issuance of the permits to work as specified in section three *a* *second* of this act.

Second—The person authorized to issue permits to work or to employ shall have authority to issue to any minor a certificate of age when the minor in question, accompanied by his parent or guardian or other person in control or charge of such minor, shall present to the authority thus authorized evidence of age as specified under subdivision second of section three *a* of this act. Such certificate of age shall serve as a permit to employ a minor who was not in attendance upon any California school in the next preceding school term, and who would otherwise be required to hold a vacation permit as described in section three *b* *first* of this act.

Certificate
of age.

SEC. 4. Section three *c* of said act is hereby amended so as to read as follows:

Stats. 1919,
p. 411,
amended.

Sec. 3*c*. *First*—The person authorized to issue permits to work as specified in section three *a* *first* of this act shall have authority to issue to any employer a permit to employ any

Permit to
employ
minor.

minor who has been granted a permit to work as provided by the provisions of section three *a* of this act or who has been assigned to a vocational course in a place of employment as specified in section three *a fourth* of this act; *provided*, that no permit to employ as specified in this section shall be issued except upon a statement signed by the prospective employer that work is awaiting the minor in question and describing the nature of such work. Such permit shall contain, (1) the name and address of the employer, (2) the name, age and address of the minor, (3) the kind of work for which the permit is issued, (4) the place and hours of compulsory part-time school attendance for the minor or statement of exemption therefrom, the hours of compulsory full-time school attendance for the minor if the permit is issued for outside of school hours, and (5) the date on which the permit expires.

Penalty for certifying to false statement.

Second—Every person authorized to sign any certificate of age or any permit to work or to employ which allows the employment of any minor during or outside school hours or during a vacation of the public schools or upon the regular weekly school holiday, as prescribed by this act, who knowingly certifies to any false statement therein, is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than five or more than fifty dollars, or imprisonment for not more than thirty days, or to both such fine and imprisonment.

Child labor laws not modified.

Third—Nothing in this act shall be construed to repeal or in any way modify the provisions of sections fourteen and sixteen of "An act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905, as amended, or the provisions of sections three and one-half and five of an act entitled "An act to be known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith."

Stats. 1019, p 413, amended.

SEC. 5. Section three *d* of said act is hereby amended so as to read as follows:

Register of minor employees.

Sec. 3*d*. *First*—No person, firm or corporation shall employ, suffer or permit any minor under the age of sixteen years to work in or in connection with any establishment or occupation except as provided in subdivision third, of section three *c* of this act, without a permit to employ, or a vacation permit issued by the proper educational officers in accordance with law. Every person, firm, corporation or agent, or officer of a firm or corporation, employing minors under the age of sixteen years shall keep a separate register containing

the names, ages and addresses of such minor employees and shall post and keep posted in a conspicuous place, in every room where such minors are employed, a written or printed notice stating the working hours per day for each day of the week required of such minors, and shall keep on file all permits to employ or vacation permits required by this act for minors under the age of sixteen years. Such records and files shall be open at all times to the inspection of the school attendance and probation officers and the officers of the state bureau of labor statistics, of the superintendent of public instruction and of the state board of education. All permits to employ shall be kept on file by the employer during the term of such employment and within five days after the termination thereof, notification on the forms and in the manner prescribed on such permit to employ shall be sent by the employer to the supervisor of attendance of the place of such employment. Such notification shall contain the latest correct address of such minor known to such employer. All vacation permits shall be kept on file by the employer during the term of employment of the minors granted such vacation permits and at the termination of such employment shall be returned to the minors in question.

Second—Any person, firm, corporation, agent or officer of a firm, or corporation that violates or omits to comply with any of the provisions of this act, or that employs or suffers or permits any minor to be employed in violation thereof, is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment, for each and every offense. A failure to produce any permit to employ or vacation permit to work or other permit issued under the provisions of this act or to post any notice required by this act shall be prima facie evidence of the illegal employment of any minor for whom a permit to employ is not produced. Penalty if employer violates act.

Third—No minor having a permit to work as hereinbefore described and no other minor under sixteen years of age, who would be required by law to attend school, shall be out of school and unemployed for a period longer than ten consecutive days while the public schools are in session, but must enroll and attend school; *provided*, that within five days after any minor shall have ceased to be employed by any employer or shall have ceased to attend any school, such employer or school principal shall, in writing, notify the supervisor of attendance of the school district, in which such minor was employed or has been attending school, giving the latest correct address of such minor known to such employer or school principal; and such supervisor of attendance shall thereupon immediately notify the supervisor of attendance having jurisdiction in the place of such minor's residence giving the latest Unemployed minor must attend school.

known correct address of such minor and stating that such minor is out of work or has dropped out of school.

Cancellation of permits.

Fourth—All permits to work or to employ and all certificates of age granted under this act and certificates of health required under this act shall be issued on forms prepared and provided by the superintendent of public instruction. Such permits and certificates of age shall be subject to cancellation at any time by the superintendent of public instruction or by the commissioner of the bureau of labor statistics or by the person issuing the same whenever any such officer or person shall find that the conditions for the legal issuance of such permits or certificates of age do not exist or never have existed. Such permits shall be always open to inspection by attendance or probation officers, by officers of the state bureau of labor statistics and by officers of the superintendent of public instruction.

Action on application.

Fifth—Each application for a permit to work or to employ or for a certificate of age shall be acted upon within three days after the date of such application. The person authorized to issue permits to work or to employ or certificates of age shall have authority to administer the oaths necessary for carrying out the provisions of this act, but no fees shall be charged for administering such oaths or issuing such permits or certificates.

Annual reports.

Sixth—An annual report of all permits to work and to employ issued during the year shall be made by the issuing authority to the county or city and county superintendent of schools, such reports to be upon forms prepared and provided by the superintendent of public instruction. The superintendent of schools of each county or city and county shall include in his annual report to the superintendent of public instruction a summary of all such reports.

Stats 1919, p. 408, amended.

SEC. 6. Section four of said act is hereby amended so as to read as follows:

Supervisor of attendance in city or county.

Sec. 4. The board of education of any city, or city and county shall appoint a supervisor of attendance and such assistant supervisors of attendance as may be necessary for such city or city and county and shall fix his or their compensation payable from the special school fund of such city or city and county and shall prescribe his or their duties not inconsistent with law; *provided*, that in any city or city and county such supervisor of attendance or assistant supervisors of attendance shall have been certificated for such work by the county board of education, such certification to be in accordance with law. The authority appointing such supervisor of attendance may also appoint and remove at pleasure one or more deputy supervisors of attendance to serve without compensation.

Supervisor of attendance in county.

Upon petition of a majority of the boards of school trustees of any county, the county superintendent of schools of such county, shall appoint a supervisor of attendance to act in such portions of the county as are not under the jurisdiction of any

city supervisor of attendance and shall prescribe the duties of such supervisor of attendance not inconsistent with law. The salary of such supervisor of attendance shall be fixed by the county board of education and warrants for such salary and for the actual and necessary traveling expenses of such supervisor of attendance incurred in the discharge of his duties shall be drawn upon, and paid from, the unapportioned school fund of the county; *provided*, that such supervisor of attendance shall have been duly and lawfully certificated for the work by the county board of education.

The board of school trustees of any district of a county may appoint a district supervisor of attendance to act under the direction of the county supervisor of attendance and the compensation of such district supervisor of attendance and the actual and necessary expenses incurred by him in the discharge of his duties shall be paid from the special school fund of the district; *provided*, that two or more districts may unite in appointing such district supervisor of attendance and in paying the compensation thereof; *provided further*, that in any district or districts with an average daily attendance of one thousand or more school children according to the annual school report of the last preceding year such district supervisor of attendance shall have been duly certificated for such work by the county board of education, such certification to be in accordance with law, and any teacher already employed by a district may without such special certification be appointed to act as a district supervisor of attendance and may be paid for such additional service from the special school fund of the district.

CHAPTER 886.

An act amending the Political Code by repealing section two thousand six hundred forty-three thereof and adding two new sections to be numbered two thousand six hundred thirty-nine and two thousand six hundred forty, relating to the powers and duties of boards of supervisors over the roads and highways of the county.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand six hundred forty-three of the Political Code is hereby repealed.

SEC. 2. A new section numbered two thousand six hundred thirty-nine is hereby added to the Political Code, to read as follows:

Powers and
duties of
supervisors
over
highways.

2639. The boards of supervisors of the several counties of the state shall have general supervision over the roads within their respective counties. They must by proper order:

1. Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary to public convenience, as in this chapter provided.

2. Cause to be recorded as highways all highways which have become such by usage, dedication or abandonment to the public, or by any other means provided by law, and to prepare and record proper deeds and titles thereto.

3. Abolish or abandon such as are not necessary.

4. Acquire the right of way over private property for the use of public highways, and for that purpose require the district attorney to institute proceedings, under title seven, part three, of the Code of Civil Procedure, and to pay therefor from the general road fund or any district road fund or the general fund of the county.

5. Levy a property tax for road purposes.

6. Cause to be erected and maintained guide posts, properly inscribed.

7. Cause the road tax collected each year to be apportioned to the several road districts entitled thereto, and kept by the county treasurer in separate funds.

8. Audit all claims on the funds set apart for highway purposes, and specify the fund, or funds, from which the whole or any part of any claim, or claims, must be paid.

Gates.

9. In their discretion, they may provide for the establishment of gates on the public highways, in certain cases, to avoid the necessity of building road fences, and prescribe rules and regulations for closing the same, and penalties for violating said rules; *provided*, that the expense for the erection and maintenance of such gates shall in all cases be borne by the party or parties for whose immediate benefit the same shall be ordered.

Sprinkling
and oiling.

10. For the purpose of sprinkling the roads in any part of the county with oil or water, the board of supervisors may erect and maintain waterworks and oil tanks and reservoirs, and for such purposes may purchase or lease real or personal property. The cost of such waterworks, oil tanks and reservoirs and the sprinkling of said roads with oil or water may be charged to the general county fund, the general road fund, or the district fund of the district or districts benefited.

Side
paths.

11. In their discretion, they may set apart on any public road or highway a strip of land for a side path, and make an order designating the width of such path and cause the lines separating the path from the road to be located and marked by stakes or posts, placed at such distances apart as they shall deem proper. After said paths have been set apart, and the lines separating the same from the road have been located and marked, as aforesaid, the use of the same is hereby restricted to pedestrians and riders of bicycles and other vehicles propelled solely by the power of the rider.

Expense of erecting and maintaining such path may be charged to the general county fund, the general road fund, and the district fund of the district or districts benefited.

12. The boards of supervisors of any county in the state may, by and through an ordinance duly passed, permit the use of any of its public highways connecting with any main public highway of an adjoining county by the board of supervisors or highway commissioners of such adjoining county, for the purpose of constructing and maintaining thereon a highway or boulevard serving the needs of residents of both counties; and the board of supervisors of any such adjoining county, if it accepts the provisions of the ordinance adopted by the board of supervisors of the county granting the use, shall have the power to construct and maintain any such highway or boulevard, or to construct or maintain such bridge or bridges on such highway or boulevard as it may deem necessary, or to macadamize, pave, curb or gutter such highway or boulevard in such manner as it may determine, and the cost or expense thereof shall be paid out of the general fund of the county treasury, or such other fund as the board of supervisors may designate, or which shall otherwise be provided, of the county to which the use is granted. The board of supervisors of any counties proceeding under the provisions of this act may acquire real property adjacent to such public highway in an adjoining county for county purposes, and may expend thereon such funds as said board of supervisors shall deem necessary for county purposes. The board of supervisors of any counties proceeding under the provisions of this act may by mutual consent, expressed through ordinances of the respective boards, retransfer the use, control, maintenance and jurisdiction of any highway or boulevard constructed under the provisions hereof to the county originally granting the use.

Use of highway by adjoining county.

SEC. 4. A new section numbered two thousand six hundred forty is hereby added to the Political Code, to read as follows:

2640. Whenever it is determined by a four-fifths vote of the board of supervisors of any county that the public convenience and necessity demand the acquisition or construction of a new road or the grading, regrading, paving, macadamizing, surfacing, repairing or maintaining of any existing road, and that the cost of such new road when acquired and constructed, or the cost of grading, regrading, paving, macadamizing, surfacing, repairing or maintaining such existing road, is too great to pay out of the road fund of the district, the board of supervisors may, by resolution passed by a four-fifths vote of said board, determine to acquire or construct such new road, or grade, or regrade, pave, macadamize, surface, repair or maintain such existing road, and charge the cost thereof to the general county fund, the general road fund or the district fund of the district or districts benefited.

Acquisition or grading of road.

Whenever it shall be determined that any grading, graveling, macadamizing, ditching, sprinkling or other work upon any highway is necessary, the estimated cost of which exceeds the

Bids.

sum of one thousand dollars, the board of supervisors must order definite surveys of the proposed work made and direct the preparation of profiles, cross-sections, plans and specifications. Upon receipt of the profiles, cross-sections, plans and specifications, the board of supervisors must advertise for sealed bids for the performance of the work specified by publication for at least once a week for a period of two weeks in a newspaper of general circulation printed and published in the county, of a notice calling for the bids for the doing of said work referring to said profiles, cross-sections, plans and specifications, and setting a time at which bids will be opened. At the time specified in said notice, the board of supervisors shall publicly open the bids received and shall award the contract for the work to the lowest responsible bidder; unless it shall appear to the board that the bids are too high, and the work can be done more cheaply by day labor, in which case the bids must be rejected and the work ordered done by the road commissioner or commissioners in whose district or districts the work may be situated; *provided, however*, that said board may reject all bids and readvertise. *Provided further* that if the estimated cost of the work to be done is less than one thousand dollars, the board of supervisors may let a contract for the said work without calling for bids as hereinbefore provided, or may purchase the materials and do the work by day labor. *Provided, however*, that in those counties employing a competent engineer as road commissioner, the board of supervisors may have any work to be done upon highways of the county done under the supervision and direction of said engineer, either

Supervision
by road
commis-
sioner.

1. By letting a contract, in which event it must be let to the lowest responsible bidder as hereinabove provided;
2. By purchasing the material and letting a contract for the doing of the work; or
3. By purchasing the material and having the work done by day labor.

CHAPTER 887.

An act to authorize and empower the board of directors of the California School for the Deaf and the Blind to sell and convey certain property situate in the county of Marin, State of California.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The board of directors of the California School for the Deaf and the Blind are hereby authorized and empowered to sell and convey all of that certain lot, piece, or parcel of land situate, lying, and being in the town of Mill Valley, county of Marin, State of California, and described as follows, to wit:

Sale of
land by
California
School for
the Deaf
and the
Blind
authorized.

Being lot number eight as shown and delineated upon that certain map entitled Tamalpais Land and Water Company map number eight, filed in map book two, page forty-five, in the office of the county recorder of the county of Marin, State of California.

SEC. 2. A deed duly executed by the president of said board shall be sufficient to convey title to said property.

CHAPTER 888.

An act making an appropriation to pay the cost of making a survey and preparing plans and estimates for the construction of a highway from the town of Alturas in Modoc county to the Nevada-California state line by the most direct and practical route via Cedarville connecting with the proposed Nevada state highway.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of seventy thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated for the survey, plans and estimates and for the construction of the highway from the town of Alturas in Modoc county to the Nevada-California state line, by the most direct and practical route via Cedarville in connecting with the proposed Nevada state highway.

Appropriation:
Alturas-
Nevada
state
highway.

SEC. 2. Said highway is declared to be a state highway. All the work contemplated by this act is hereby placed under the complete management and control of the state department of engineering and the state controller is hereby directed to draw his warrants in such sums and at such times as the state department of engineering may present claims for and the state treasury is directed to pay the same to carry out the purpose of this act.

CHAPTER 889.

An act to provide for the investigation by the State of California of the possibilities of the storage, control and diversion of water for public use and public protection in the State of California, and making an appropriation for said purpose.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. It is hereby declared that the people of the State of California have a paramount interest in the use of all the waters of the state and that the State of California shall determine what waters of the state, surface and underground,

Paramount
interest of
state in
waters.

can be converted to public use, or controlled for public protection.

Investigation by state engineering department.

SEC. 2. The state engineering department is hereby authorized and instructed to make the investigation in this act provided for and for the purposes herein specified.

SEC. 3. It shall be the duty of the state engineering department to determine the maximum amount of water which can be delivered to the maximum area of land, the maximum control of flood waters, the maximum storage of waters, the effects of deforestation and all possible and practicable uses for such waters in the State of California.

Report on comprehensive plan.

SEC. 4. It shall be the duty of the state engineering department to determine a comprehensive plan for the accomplishment of the maximum conservation, control, storage, distribution and application of all the waters of the state, and to estimate the cost of constructing dams, canals, reservoirs or other works necessary in carrying out this plan, and to report the result of such investigations with recommendations not later than the legislative session of 1923.

Cooperation with other agencies.

SEC. 5. In carrying out the provisions of this act the state engineering department is hereby authorized to examine any and all data, estimates and proposals in furtherance of the above purpose, according to its judgment of their engineering worth, and to cooperate with any department, bureau, office, service, or division of the United States, or of the state or counties, or with any municipality, irrigation, reclamation, conservation, drainage, flood control, levee, or other district agency for irrigation, reclamation, drainage, or flood control purposes, or for the development of hydro-electric power; or with any interested association, company or individual; *provided, further*, that the engineering department is hereby expressly authorized to accept, receive and use any funds or moneys contributed to it by any person, irrigation district, reclamation district, water and conservation district or any political subdivision of the State of California for the purpose of cooperating in the work aforesaid and carrying out the purposes of this act.

Assistance.

SEC. 6. With the approval of the governor, the state engineering department is hereby authorized to employ such assistance as in its judgment it may require and to incur such expense as may be necessary to carry out the purposes of this act. The governor is further authorized to appoint a consulting board, composed of citizens of special and technical qualifications, to serve in an advisory capacity, and without pay, in making the above investigation.

Appropriation.

SEC. 7. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two hundred thousand dollars, and made immediately available for any of the purposes of this act.

SEC. 8. This act shall not in any way be construed so as to deprive persons, corporations, or districts of vested rights.

Vested
rights.

SEC. 9. Any section or portion of a section of any act, statute or law of the State of California in conflict with the provisions of this act is hereby repealed.

Repealed.

CHAPTER 890.

An act to amend sections two thousand two hundred eighty-three, two thousand two hundred eighty-seven, two thousand two hundred eighty-nine, and two thousand two hundred ninety of the Political Code, providing for state aid for orphans, half orphans, abandoned children, and the child or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation.

[Approved June 3, 1921. In effect September 1, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two thousand two hundred eighty-three of the Political Code is hereby amended to read as follows:

2283. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to each and every institution in this state conducted for the support and maintenance of needy minor orphans, half orphans, abandoned children, or the child or children of a father who is incapacitated for gainful work by permanent physical disability, or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, and to each and every county, city and county, city, or town maintaining such orphans, half orphans, abandoned children, or the child or children of a father who is incapacitated for gainful work by permanent physical disability, or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, or any or all of such classes of persons, aid not in excess of the sum of one hundred twenty dollars per annum for each such orphan, half orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability, or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, supported and maintained in such institution or by such county, city and county, city, or town; but each abandoned child maintained by an institution must have been an inmate thereof for one year prior to such institution receiving aid therefor, as provided in this chapter; *provided, however*, that upon receiving such aid such institution shall also be entitled to reimbursement from the state for said year in a sum not in excess of one hundred twenty dollars per annum for each such abandoned

Appropriation:
orphan aid.

child where proof of abandonment sufficient to demonstrate the genuineness of the claim is presented to the state board of control; *provided, further*, that, in addition to the amount paid by the state for each orphan, half orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, maintained in a private home or in an institution, the county, city and county, city, or town may pay for the support of such orphan, half orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, an amount equal to the sum paid by the state; *and provided, further*, that in any case where any such orphan, half orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, is denied aid by the county, upon a petition setting forth the facts in full as to the necessity of aid, verified by five reputable citizens of the county, city and county, city, or town, the applicant in any such case shall have the right of appeal direct to the state board of control for aid for such child and should this appeal be sustained by said board, payment must be made for the child as above provided.

SEC. 2. Section two thousand two hundred eighty-seven of the Political Code is hereby amended to read as follows:

2287. Every claim for aid under this chapter must be presented to the state board of control for audit and approval. Such claim must contain:

1. The name and location of the institution making the claim, or the name of the county.

2. The name of the person or persons having charge or control of the institution or of the child.

3. The number of orphans, half orphans, abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, therein, in the case of an institution.

4. The amount, if any, that the institution is receiving for the specific support of any orphan, half orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, therein. Such claim, and the statements therein contained, must be verified by the person or persons, or some of them, in charge of such institution, or in the case of counties, by the county officers in charge of the distribution of aid, and the state board of control may, in its discretion, require the production of the books of such institution or county in support of such claim.

Audit of
claims by
state
board of
control.

SEC. 3. Section two thousand two hundred eighty-nine of the Political Code is hereby amended to read as follows:

2289. In order that the provisions of this chapter shall not be abused, it is hereby declared: Limitations
on aid.

1. That no child over the age of sixteen years shall be deemed a minor orphan, half orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, within the intent and meaning of this chapter.

2. That no child for whose specific support there is paid to any such institution the sum of twenty dollars or more per month shall be deemed a minor orphan, half orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, within the intent and meaning of this chapter.

3. That no child maintained in an institution for whom a bona fide offer of a proper home has been made shall be considered eligible for further state aid; *it is further provided, however,* that no institution shall be required to surrender a child to any person of religious faith different from that of the child or the parents of the child.

That a child who has not resided in this state for a period of at least two years prior to the application for aid shall not be eligible to receive state aid unless such child is born in this state.

SEC. 4. Section two thousand two hundred ninety of the Political Code is hereby amended to read as follows:

2290. The provisions herein made for the support of orphans, half orphans, abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability, or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, shall be held to include foundlings and other dependent illegitimate infants who may have been or shall become dependent upon any regularly established foundling asylum or county, without regard to the time in which such infants have been dependent upon such institution or county; and the relief herein provided shall be given for any fraction of a year, pro rata: *and provided, further,* that for each abandoned or dependent illegitimate infant who now is or shall become dependent upon such foundling asylum or county, there shall be paid by the state the sum of fifteen dollars per month from the time it becomes dependent upon such institution or county until such infant's decease, or until it is adopted or reaches the age of two years, after which age such institution or county shall receive the same sum for such infants as for full orphans. Foundlings.

SEC. 5. This act becomes effective September first, one thousand nine hundred twenty-one.

CHAPTER 891.

An act declaring the existence of inflammable vegetable matter constituting a fire menace to be a public nuisance; providing for its abatement, and prescribing the manner of collecting the expense thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Inflammable
grass
declared a
public
nuisance.

SECTION 1. The existence upon any suburban homesite, villa lots or town lots in any unincorporated town of inflammable grass, weeds, shrubs or other vegetable matter, except such as are grown for use as food or fuel, where growing or standing so as to constitute a fire menace to neighboring property, is hereby declared to be a public nuisance; *provided*, that nothing in this act shall apply to nor include any ranch land or unsubdivided acreage used for farming or stock raising.

Order to
abate fire
nuisance.

SEC. 2. Whenever, after investigation, the board of supervisors of any county is of the opinion that such a fire menace exists on any parcel or parcels of land referred to in section one hereof, not government land, it may by order entered upon its minutes so declare. Such order shall be substantially as follows:

“Order to abate fire nuisance.

The board of supervisors of ----- county, hereby declares the existence of a public nuisance, to wit, a fire menace due to inflammable vegetable matter, upon the following land: (here insert a description of the land upon which the nuisance exists).

Unless said nuisance is abated on or before the ----- day of -----, 19---, or good reason is shown to the board of supervisors, at its first regular meeting after said day, why said nuisance should not be abated, said nuisance will be abated by order of this board, and the expense of the abatement will become a lien on the property on which the nuisance exists. A copy of this order shall be published once in the -----, the newspaper most likely to give notice to those interested.”

If contiguous, several parcels of land may be included in one order and described separately or as one parcel. Whenever practicable, as a part of or in addition to the description of the land covered by the order, reference shall be made to the highways bounding or adjacent to such land.

Publication
of order.

SEC. 3. At least twenty days before the date fixed in said order, a copy of said order must be published once by order of the board of supervisors in the newspaper deemed by it as most likely to give notice to the owners or persons in posses-

sion of said land, together with a certificate of the clerk of the board of supervisors substantially as follows:

"I hereby certify that the above order was adopted by the board of supervisors of-----county on the----- day of-----, 19-----.

Clerk of the board of supervisors."

Copies of said order and said certificate shall be mailed by the clerk to the persons to whom said land stands assessed on the records of the county if their address be known. Such further attempt at personal service shall be made as the board of supervisors may direct.

SEC. 4. At its first regular meeting after the date set in said order any person interested may appear before the board of supervisors for the purpose of showing that a fire menace does not exist on any or a part of the land described in such order, or may file a written statement to that effect. Such person shall be heard or such statement considered, and the board shall then reaffirm or rescind its previous order, or may modify the same by omitting that portion of the land on which it finds no nuisance exists. Hearing.

SEC. 5. At its first regular meeting after the date fixed in said order, or at any meeting thereafter, the board of supervisors may, unless such order is rescinded, take such action as it finds necessary to abate the nuisance declared in its order by putting an end to the fire menace on any parcel of land described in said order, or said order as modified, and for this purpose may employ persons to go upon the land and cut down or burn or otherwise destroy the inflammable vegetable matter constituting the menace, or so much thereof as may be necessary, or to take such other or different action as may be necessary. The reasonable and necessary cost of abating such nuisance shall be paid out of the general fund of the county in the first instance, but the cost of such abatement on each separate parcel of land shall be a lien on such parcel. Action to abate nuisance.

SEC. 6. A notice of such lien shall be recorded with the county recorder within thirty days after the payment by the county of the cost of such abatement. Within ninety days after the lien is recorded action may be brought in the name of the county by order of the board of supervisors to foreclose such lien. It shall not be necessary in any such action to prove any notice to those interested other than to prove that publication of the order of the board declaring a nuisance to exist was made as required by this act. Lien.

Upon the trial of any suit brought to foreclose a lien for the abatement of a nuisance, the determination of the board of supervisors that a public nuisance existed, as set forth in its order or modified order, shall be conclusive proof of its existence. It may be shown by way of defense, however, that the amount of the lien sought to be foreclosed is greater than the amount expended in abating the nuisance on the parcel of land against which the lien exists.

CHAPTER 892.

An act to add a new section to the Political Code to be numbered seven hundred thirty-seven v, relating to the salaries of superior judges.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven v and to read as follows:

Salaries of superior judges, San Francisco, Los Angeles, Alameda counties.

737v. The annual salary of each of the judges of the superior court of the city and county of San Francisco, of the county of Los Angeles and of the county of Alameda is seven thousand dollars; one-half of which shall be paid by the state and the other one-half thereof by the county or city and county in which the judge is elected or appointed.

CHAPTER 893.

An act to appropriate money to pay the expenses of certain sewer improvements of benefit to the southern branch of the University of California situated in the county of Los Angeles.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation: sewer improvements, southern branch, University of California.

SECTION 1. The sum of fifteen thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be expended in accordance with law by the board of regents of the University of California in paying assessments that may be levied against property of the University of California situated in the city of Los Angeles for the construction of storm sewers in said city, known as the Arroyo de las Sacetelo storm sewer system.

CHAPTER 894.

An act appropriating money for the construction of a pathological laboratory at the Napa State Hospital.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation: pathological laboratory, Napa State Hospital.

SECTION 1. The unexpended balance of the moneys heretofore appropriated (chapter 242-17) for the construction of a pathological laboratory at the Napa State Hospital, is hereby made available for the purpose of remodeling buildings and purchasing furniture and equipment.

CHAPTER 895.

An act to repeal an act entitled "An act fixing the compensation of grand and trial jurors in counties of the twenty-eighth class," approved May 28, 1917.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act fixing the compensation of grand and trial jurors in counties of the twenty-eighth class," approved May 28, 1917, is hereby repealed. Stats 1917, p. 1025, repealed.

CHAPTER 896.

An act to add a new section to the Political Code to be numbered seven hundred fifty-eight a, providing for the appointment and compensation of a porter for the first district court of appeal.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred fifty-eight a and to read as follows: Porter, first district court of appeal.

758a. The first district court of appeal may employ and appoint one porter for divisions one and two whose salary shall be one thousand eight hundred dollars per annum.

CHAPTER 897.

An act to require the installation of certain sanitary facilities in the operating rooms of theatres and moving picture houses; and providing penalties for its violation.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. In the operating room of every theater and moving picture house hereafter erected the permit for the erection of which house is issued upon or after the effective date of this act and of every theater and moving picture show place hereafter installed in any existing building not then used for such purpose the permit for which is issued upon or Sanitary facilities in operating rooms of moving picture theatres.

after the effective date of this act there shall be provided running water and toilet facilities for the use of the operator.

Penalties.

In every municipality or other place having a sewer system adjacent to the building such toilet facilities in said operating room shall consist of a flush-tank toilet and a wash basin with running water. In any municipality or other place having no sewer system a dry-closet or other contrivance acceptable to the local health officer shall be installed in said operating room in place and stead of a flush-tank toilet. Any violation of the provisions of this act shall be deemed a misdemeanor and punishable by a fine of not less than twenty-five dollars for each offense, and it shall be a separate offense each day that an owner, manager, or lessee of a theater or moving picture house shall fail to comply with the provisions of this act.

Buildings included.

SEC. 2. As used in this act the terms theaters, moving picture houses and moving picture show places include only such buildings or places as are used primarily as theaters or for the display of motion pictures.

CHAPTER 898.

An act to amend sections one thousand nine hundred twenty-seven and two thousand eighty-six of the Political Code, relating to officers and employees in the adjutant general's office.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand nine hundred twenty-seven of the Political Code is hereby amended to read as follows:

Officers and employees in adjutant general's department.

1927. The adjutant general's department shall consist of one brigadier general, and one lieutenant colonel, both of whom shall be either commissioned in the adjutant general's department or detailed from officers of other arms of the service or in the national guard reserve, and such other officers as may be prescribed by the national defense act of June 3, 1916, and the various amendments thereto. The brigadier general shall be chief of the department and his designation shall be the adjutant general, State of California; the lieutenant colonel shall be designated the assistant adjutant general, State of California. The adjutant general will be appointed by and hold office at the pleasure of the governor or until his successor is appointed and qualifies. The assistant adjutant general will be appointed by the governor, taking into consideration the recommendation of the adjutant general, and shall hold office at the pleasure of the governor, or until his successor is appointed and qualifies; *provided, that*

the qualifications for the appointment to the grades of brigadier general and lieutenant colonel in the adjutant general's department shall be the same as prescribed in section one thousand nine hundred thirty-four of this code for a general officer. The officer appointed the assistant adjutant general shall be on duty in the adjutant general's office. All officers in the adjutant general's department shall be appointed by the governor, taking into consideration the recommendation of the adjutant general, and, with the exception of the adjutant general and the assistant adjutant general, shall hold their positions until they have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose; *provided*, that the officers of the adjutant general's department that are to be assigned to brigades shall be appointed as provided for other staff officers in section one thousand nine hundred fifty-seven of this code. All officers appointed to the grade of major in the adjutant general's department shall have served not less than two years as commissioned officers in the national guard of California, or in the United States army, or in both services combined.

There shall be employed in the adjutant general's office the following: One auditor, one personnel registrar, one property accountant, one record keeper, all of whom shall be civil executive officers; one stenographer and clerk; one military storekeeper, and one assistant military storekeeper.

SEC. 2. Section two thousand eighty-six of the Political Code is hereby amended to read as follows:

2086. There shall be allowed and paid out of the general ^{Salaries.} fund in the state treasury to officers, clerks and other employees in the adjutant general's office, the following salaries payable monthly: To the brigadier general of the adjutant general's department (the adjutant general), a sum not to exceed five thousand dollars per annum to be fixed by the governor; to the lieutenant colonel of the adjutant general's department (the assistant adjutant general), three thousand dollars per annum; to the auditor, two thousand two hundred dollars per annum; to the personnel registrar, two thousand dollars per annum; to the property accountant, two thousand dollars per annum; to the record keeper, two thousand dollars per annum; one stenographer and clerk, one thousand seven hundred dollars per annum; one military storekeeper, one thousand four hundred dollars per annum; one assistant military storekeeper, one thousand dollars per annum.

CHAPTER 899.

An act creating an institution to be known as the California School for the Blind; providing for the conduct and maintenance thereof; investing the state department of education with certain of the functions heretofore exercised by the board of directors of the California School for the Deaf and the Blind, authorizing the board of control to make a division of the property of the California School for the Deaf and the Blind.

[Approved June 2, 1921. In effect August 1, 1921.]

The people of the State of California do enact as follows:

California School for the Blind. Control by department of education.

SECTION 1. There is hereby created an institution to be known as the California School for the Blind.

SEC. 2. The said institution shall be under the control of the department of education.

SEC. 3. The department of education is hereby invested with all of the powers and duties heretofore exercised by the board of directors of the California School for the Deaf and the Blind, in so far as they apply to the department for the blind.

Conduct of school.

SEC. 4. From and after the date when this act shall become effective, the school shall be conducted and governed in accordance with the provisions of chapter two of title five of part three of the Political Code, in so far as the same are applicable, and such provisions of said chapter are hereby adopted by reference for the purposes of this act; *provided* that certain words used therein shall for the purposes hereof be construed as follows: (a) "school for the deaf and the blind" means "school for the blind"; (b) "deaf or blind person" means "blind person"; *and provided, further*, that the principal of the school must have had not less than three years' experience in the art of teaching the blind, and shall hold a degree from a reputable university, and have either a license to teach in the public high schools of California, or an equivalent training in the theory and practice of education; *and provided, further*, that all teachers appointed and employed by the principal under the provisions of this section must hold credentials of elementary or secondary grade, according to the work for which they are employed, such credentials to be granted by the state board of education; *and provided, further*, that the course of study prescribed by the principal shall be approved by the state board of education.

Division of lands.

SEC. 5. The board of control of the State of California is hereby authorized, directed and empowered to divide the lands heretofore occupied by the California School for the Deaf and the Blind into two portions, within six months from the day on which this act takes effect. And it shall

transfer one such portion of the ground, together with any property thereon to the department of education, to be used thereafter as the site for the California School for the Blind.

SEC. 6. The department of education is hereby authorized, directed and empowered: (a) To grade, fence and otherwise improve the site in a manner suitable for the intended uses; to erect and construct dormitories, cottages, culinary department, hospital, school buildings, workshops, and all other structures and improvements necessary and proper for the housing of complete kindergarten, grammar and high school departments of the school in accordance with such plans and specifications as may be prepared by the state department of engineering and approved by the department of education. (b) To provide and purchase all such furniture, fixtures, apparatus and other equipment as may be required for the proper equipment of said buildings and grounds.

Powers of
department
of education.

SEC. 8. The board of directors of the California School for the Deaf and Blind are hereby authorized, directed and empowered to transfer to the department of education all funds or moneys intended for the use of the blind as ascertained and declared by the state board of control.

Transfer of
moneys.

CHAPTER 900.

An act to require railroad companies operating within any part of this state to provide and equip certain engine cabs with handrails and footboards for the safety and protection of railroad employes; and providing a penalty for the violation thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Every railroad company operating engines within any part of this state shall provide each engine cab with a substantial and safe handrail along the top on each side of the cab and extending from the front to the rear of the cab; and every engine cab other than one having front windows of not less than fourteen inches in width and forty-two inches in height shall be provided and equipped with a substantial and safe footboard, of not less than one and one-half inches, projecting outward from each side of the cab level with the floor and extending from the front to the rear of the cab. The foregoing construction or equipment shall be installed on each engine not later than December 31, 1922.

Handrails
and
footboards
on engine
cabs.

SEC. 2. Any railroad company, or receiver or receivers thereof, that shall fail to comply with the provisions of this act, shall be fined one hundred dollars for each offense; *pro-*

Penalty.

vided, however, that the provisions of this act shall not apply to any railroad company; that within sixty days from the date of approval of this act, shall issue in writing and thereafter maintain in force, an order forbidding the engine or train crew to go from the engine cab to that portion of the engine in front of the cab while the engine is in motion.

CHAPTER 901.

An act to amend the Civil Code by adding thereto a new section to be numbered two thousand four, regulating deductions from pay of employees because of tardiness.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The Civil Code is hereby amended by adding thereto a new section to be numbered two thousand four, to read as follows:

Deductions
from pay
because of
tardiness.

2004. There shall not be deducted from the wages of an employee, on account of the employee's coming late to work, a sum in excess of the proportionate wage which would have been earned during the time actually lost; *provided*, that for a loss of time less than thirty minutes a half hour's wage may be deducted.

CHAPTER 902.

An act to require railroad companies when operating engines accompanied by tenders of insufficient clearance between the overhang of the roof of the cab and the top of the tender to provide a safe clearance by cutting out an opening in the overhanging roof of the cab so as to enable the engineman safely to go from the cab of the engine to the top of the tender; and providing a penalty for the violation thereof.

[Approved June 3, 1921. In effect December 1, 1921.]

The people of the State of California do enact as follows:

Opening in
top of
engine cab.

SECTION 1. On any railroad train where the engine is accompanied by a tender of the Vanderbilt or similar types of construction and where the clearance between the overhang of the roof of the cab of the engine and the top of the tender accompanying such engine is less than twenty-eight inches, there shall be cut out in the overhang of the roof of the cab an opening not less than twenty-four inches square,

for the purpose of enabling an engineman with safety to go from the cab of the engine to the top of the tender.

SEC. 2. Any railroad company operating a line in whole Penalty. or in part within this state, or any receiver or receivers of any railroad, that fails to comply with the provisions of this act, shall be fined not less than fifty dollars for each offense, and each day that such failure continues shall constitute a separate offense.

SEC. 3. The provisions of this act shall be put into full In effect when. force and effect not later than December 1, 1921.

CHAPTER 903.

An act to regulate the moving of certain boxes, baskets and other receptacles used in mills, workshops, packing, canning and other mercantile establishments where women are employed; and providing penalties for its violation.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Boxes, baskets or other receptacles which with Moving boxes where women are employed. their contents weigh seventy-five pounds or over and which are to be moved by female employees in any mill, workshop, packing, canning or mercantile establishment, shall be equipped with pulleys, casters or other contrivances connected with or upon which such boxes or other receptacles are placed so that they can be moved easily from place to place in such establishments.

SEC. 2. No female employec shall be requested or per- Penalty. mitted to lift any box, basket, bundle, or other receptacle or container which with its contents weighs seventy-five pounds or over. Whoever violates the provision of this act shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding fifty dollars for every day during which there shall be a failure to equip or provide such boxes, baskets or other receptacles with some one of the appliances specified in section one of this act.

CHAPTER 904.

An act to repeal an act entitled "An act to provide for the periodical inspection of steam boilers, with certain exceptions, operated in this state; requiring a permit, to be issued by the industrial accident commission, for the operation of such boilers; making it a misdemeanor to operate such boilers without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employes; providing for a hearing before the industrial accident commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections," approved May 9, 1917.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 297,
repealed.

SECTION 1. An act entitled "An act to provide for the periodical inspection of steam boilers, with certain exceptions, operated in this state; requiring a permit, to be issued by the industrial accident commission, for the operation of such boilers; making it a misdemeanor to operate such boilers without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employes; providing for a hearing before the industrial accident commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections," approved May 9, 1917, is hereby repealed.

CHAPTER 905.

An act making appropriations for the support of the government of the State of California for the seventy-third and seventy-fourth fiscal years.

[Approved June 3, 1921. In effect immediately.]

The people of the State of California do enact as follows:

General
appropriations.

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury not otherwise appropriated for the support of the government of the State of California for the seventy-third and seventy-fourth fiscal years; *provided*, that in all cases in which statutory provision has already been made for salaries or for other regular annual appropriations, the amounts herein appropriated shall be

deemed to be the same amount appropriated by such statutes and not additional thereto :

LEGISLATIVE.

For salaries of senators, forty thousand dollars.

Legislative
department.

For mileage of lieutenant governor and senators, four thousand four hundred dollars.

For pay of officers, clerks and all other employees of the senate, fifty thousand dollars.

For contingent expenses of senate, fifteen thousand dollars.

For salaries of assemblymen, eighty thousand dollars.

For mileage of assemblymen, seven thousand six hundred dollars.

For pay of officers, clerks and all other employees of assembly, fifty thousand dollars.

For contingent expenses of the assembly, eighteen thousand dollars.

For printing, binding and all other work performed and materials furnished by the state printing office to the legislature, eighty-five thousand dollars.

LEGISLATIVE COUNSEL BUREAU.

For salary of legislative counsel, eight thousand dollars.

Legislative
counsel
bureau.

For salaries of two assistants, thirteen thousand two hundred dollars.

For support of department, including salaries of stenographers, additional assistance during legislative period and other expenses incidental to the work of the department, fourteen thousand two hundred twenty-five dollars.

JUDICIAL.

For salaries of justices of supreme court, one hundred twelve thousand dollars.

Judicial
department.

For salaries of two secretaries supreme court, twelve thousand dollars.

For salary of reporter of decisions of supreme court and district courts of appeal, five thousand dollars.

For salaries of three assistant reporters of decisions of supreme court and district courts of appeal, nine thousand six hundred dollars.

For salary of librarian of supreme court, three thousand dollars.

For salaries of two phonographic reporters of supreme court, twelve thousand dollars.

For salaries of two bailiffs of supreme court, seven thousand two hundred dollars.

For salary of clerk of supreme court, ten thousand dollars.

For salary of chief deputy clerk of supreme court, five thousand four hundred dollars.

For salaries of six deputy clerks of supreme court, twenty-five thousand two hundred dollars.

For salary of stenographer to clerk of supreme court, three thousand dollars.

For salary of porter for office of clerk of supreme court at Sacramento, two thousand one hundred sixty dollars.

For expenses of supreme court under section forty-seven, Code of Civil Procedure, sixty-four thousand eight hundred dollars.

For postage and contingent expenses of the supreme court, three hundred dollars.

For postage and contingent expenses of clerk of supreme court, four thousand dollars.

For printing, etc., clerk of supreme court, two thousand five hundred dollars.

For salaries of justices of district courts of appeal, one hundred twenty-six thousand dollars.

For salaries of six additional justices of divisions two of first and second district courts of appeal, eighty-four thousand dollars.

For salaries of three clerks of district courts of appeal, sixteen thousand two hundred dollars.

For salaries of five deputy clerks of district courts of appeal, twenty thousand dollars.

For salaries of five bailiffs of district courts of appeal, sixteen thousand dollars.

For salaries of secretaries for justices (one-fifth for third district and one-fifth for each division of the district courts in the first and second districts), thirty-six thousand dollars.

For salaries of five phonographic reporters of district courts of appeal, twenty-four thousand dollars.

For salaries of two porters, first and second district courts of appeal, four thousand three hundred twenty dollars.

For salary of one porter, third district court of appeal, three thousand dollars.

For postage and contingent expenses of clerks of district courts of appeal (two-fifths each to the first and second districts and one-fifth to the third district), seven thousand five hundred dollars.

For printing, etc., clerks of district courts of appeal (two-fifths each to the first and second district and one-fifth to the third district), six thousand dollars.

For rent for quarters of division two of first district court of appeal, three thousand three hundred five dollars.

For expenses of judges pro tempore of district courts of appeal, two thousand dollars.

For state's portion of salaries of judges of superior courts, five hundred eighty-two thousand dollars.

EXECUTIVE.

For salary of governor, twenty thousand dollars.

For salary of private secretary to governor, ten thousand dollars.

For salary of executive secretary to governor, seven thousand two hundred dollars.

For salary of stenographer to governor, four thousand dollars.

For salary of messenger to governor, three thousand dollars.

For postage, etc., traveling and contingent expenses, governor's office (exempt from section six hundred seventy-two of the Political Code), eighteen thousand four hundred dollars.

For special contingent expenses (secret service), governor's office (exempt from provisions of section four hundred thirty three and six hundred seventy-two of Political Code), ten thousand dollars.

For printing, etc., governor's office, one thousand five hundred dollars.

For support of governor's residence (exempt from sections four hundred thirty-three and six hundred seventy-two of Political Code), seventeen thousand five hundred dollars.

LIEUTENANT GOVERNOR.

For salary of lieutenant governor, eight thousand dollars. Lieutenant governor.

STATE BOARD OF CONTROL.

For salary of members state board of control, thirty thousand dollars. Board of control.

For salary of secretary to state board of control, seven thousand two hundred dollars.

For salary of superintendent of accounts, seven thousand two hundred dollars.

For salaries of two assistant superintendents of accounts, ten thousand eight hundred dollars.

For salaries of three clerks, ten thousand eight hundred dollars.

For salaries of two stenographers, six thousand dollars.

For salary of messenger, one thousand eight hundred dollars.

For support and maintenance of state board of control, including traveling and contingent expenses, two hundred twelve thousand two hundred eighty dollars.

SECRETARY OF STATE.

For salary of secretary of state, ten thousand dollars. Secretary of state.

For salary of deputy secretary of state, six thousand dollars.

For salary of bookkeeper, office secretary of state, four thousand eight hundred dollars.

For salary of corporation secretary, office secretary of state, five thousand six hundred dollars.

For salary of statistician, office secretary of state, four thousand eight hundred dollars.

For salary of keeper of archives, office secretary of state, four thousand dollars.

For salaries of three recording clerks, office secretary of state, ten thousand eight hundred dollars.

For salaries of three recording clerks, office secretary of state, nine thousand six hundred dollars.

For salary of one register clerk, three thousand six hundred dollars.

For salaries of two certificate clerks, office secretary of state, six thousand four hundred dollars.

For salary of messenger, office secretary of state, one thousand eight hundred dollars.

For salary of porter, office secretary of state, one thousand four hundred forty dollars.

For salaries of two special legislative clerks, office secretary of state, one thousand dollars.

For salary of superintendent and cashier, corporation license department, four thousand eight hundred dollars.

For salaries of five clerks, corporation license department, eighteen thousand dollars.

For salary of one clerk, corporation license department, three thousand two hundred dollars.

For salary of porter, corporation license department, seven hundred twenty dollars.

For salary of messenger, corporation license department, one thousand two hundred dollars.

For postage, expressage and telegraphing, office secretary of state (exempt from section four of this act), eleven thousand dollars.

For contingent and traveling expenses, office secretary of state, two thousand five hundred dollars.

For printing, etc., secretary of state (exempt from section four of this act), eleven thousand dollars.

For printing and compiling roster, one thousand dollars.

For tabulating election returns, three thousand five hundred dollars.

TREASURER'S OFFICE.

Treasurer.

For salary of state treasurer, ten thousand dollars.

For salary of deputy state treasurer, six thousand four hundred dollars.

For salary of cashier, treasurer's office, five thousand four hundred dollars.

For salary of bond officer, treasurer's office, five thousand dollars.

For salary of deposit officer, treasurer's office, five thousand dollars.

For salary of one bookkeeper, treasurer's office, four thousand four hundred dollars.

For salary of stenographer, treasurer's office, three thousand dollars.

For salaries of four watchmen, treasurer's office, ten thousand five hundred sixty dollars.

For salary of porter, treasurer's office, one thousand four hundred forty dollars.

For postage, telegraphing, contingent and traveling expenses, treasurer's office, four thousand dollars.

For printing, etc., treasurer's office, one thousand nine hundred dollars.

CONTROLLER'S OFFICE.

For salary of state controller, ten thousand dollars.

Controller.

For salary of deputy controller, six thousand dollars.

For support and maintenance of the controller's office, including traveling and contingent expenses, one hundred fifteen thousand one hundred ninety dollars.

For salary of inheritance tax attorney, seven thousand two hundred dollars.

For salaries of two assistant inheritance tax attorneys, fourteen thousand four hundred dollars.

For salary of one assistant inheritance tax attorney, five thousand four hundred dollars.

For salaries of two assistant inheritance tax attorneys, nine thousand six hundred dollars.

For expenses of inheritance tax department, Sacramento, including printing, traveling and contingent expenses, postage, expressage and telegraphing and other services, and any other expenses necessary and proper to the enforcement of the inheritance tax law, sixty-seven thousand five hundred dollars.

For general expenses, branch inheritance tax department, San Francisco, thirty-one thousand seven hundred dollars.

For general expenses, branch inheritance tax department, Los Angeles, twenty-two thousand four hundred dollars.

ATTORNEY GENERAL'S OFFICE.

For salary of attorney general, twelve thousand dollars.

Attorney
general.

For salary of assistant attorney general, eight thousand dollars.

For salary of chief deputy to attorney general, eight thousand dollars.

For salaries of six deputies to attorney general, thirty-seven thousand two hundred dollars.

For salary of one deputy to attorney general, six thousand dollars.

For salary of service agent, attorney general's office, three thousand six hundred dollars.

For salaries of two clerks, attorney general's office, seven thousand two hundred dollars.

For salary of one phonographic reporter, attorney general's office, three thousand six hundred dollars.

For salaries of five stenographers, attorney general's office, fifteen thousand dollars.

For salary of one stenographer, attorney general's office, two thousand four hundred dollars.

For salary of porter, attorney general's office at Sacramento, one thousand eighty dollars.

For postage and contingent, traveling, cost and expense of suits and printing, attorney general's office, nineteen thousand five hundred dollars.

For office rent of attorney general in San Francisco, eleven thousand eight hundred twenty dollars.

For purchase of law books, three thousand dollars.

For payment of expenses incidental to conserving state lands, gathering evidence, and quieting and canceling outstanding evidences of title, two thousand dollars.

SURVEYOR GENERAL.

Surveyor
general.

For salary of surveyor general, ten thousand dollars.

For salary of deputy surveyor general, six thousand dollars.

For salaries of employees, surveyor general's office, twenty-seven thousand one hundred eighty dollars.

For traveling and contingent expenses, surveyor general's office, ten thousand five hundred dollars.

For printing, etc., surveyor general's office, two thousand seven hundred dollars.

STATE BOARD OF EQUALIZATION.

Board of
equalization.

For salaries of members of state board of equalization, thirty-two thousand dollars.

For salary of secretary, state board of equalization, eight thousand dollars.

For salary of porter, state board of equalization, nine hundred sixty dollars.

For postage, expressage, telegraph, and contingent expenses, state board of equalization, one thousand two hundred fifty dollars.

For clerical and expert assistance, printing, postage and all other expenses involved in making the assessment of taxes, thirty thousand dollars.

For traveling and contingent clerical expenses, state board of equalization (Political Code, section three thousand seven hundred two), five thousand dollars.

For printing, etc., state board of equalization, five thousand dollars.

SUPERINTENDENT OF STATE PRINTING.

Superin-
tendent of
state
printing.

For salary of superintendent, state printing department, ten thousand dollars.

For salary of deputy, state printing department, six thousand dollars.

STATE PURCHASING DEPARTMENT.

Purchasing
department.

For salary of state purchasing agent, eight thousand dollars.

For salary of assistant state purchasing agent, six thousand dollars.

For salary of testing engineer, state purchasing department, five thousand four hundred dollars.

For support, state purchasing department, one hundred seventeen thousand two hundred dollars.

SUPERINTENDENT OF CAPITOL BUILDING AND GROUNDS.

For salary of superintendent of capitol building and grounds, six thousand dollars.

For salary of clerk to superintendent of capitol building and grounds, three thousand six hundred dollars.

For salary of engineer, three thousand six hundred dollars.

For salary of additional engineer during session of the legislature, six hundred dollars.

For salary of fireman, two thousand six hundred forty dollars.

For salary of additional fireman during session of the legislature, four hundred forty dollars.

For salary of electrician, three thousand six hundred dollars.

For salary of additional electrician during session of the legislature, six hundred dollars.

For salary of head porter, two thousand six hundred forty dollars.

For salaries of ten additional porters, four thousand dollars.

For salary of head gardener, four thousand two hundred dollars.

For salary of assistant head gardener, two thousand six hundred forty dollars.

For salary of typewriter expert, three thousand dollars.

For salaries of gardeners, porters, and other help in capitol building and grounds, sixty-eight thousand five hundred dollars.

For salary of emergency electrician, one month, one hundred fifty dollars.

For salaries of seven special policemen, twenty thousand six hundred dollars.

For salaries of two elevator attendants, four thousand eight hundred dollars.

For salaries of two additional elevator attendants during session of the legislature, eight hundred dollars.

For salaries of three telephone operators, six thousand four hundred eighty dollars.

For salaries of two additional telephone operators during session of the legislature, seven hundred twenty dollars.

For salary of one additional telephone operator for twelve weeks, two hundred seventy dollars.

For salaries of special policemen, capitol and executive mansion, ten thousand five hundred sixty dollars.

For expenses, care and maintenance in Capitol building and grounds with equipment and furnishings, including grounds of governor's mansion, fifty-nine thousand one hundred dollars.

For repairs, improvements, equipment and furnishings, executive mansion, five thousand dollars.

For salary of general mechanic, two thousand five hundred dollars.

For salary of captain of police, two thousand eight hundred eighty dollars.

For salaries of additional night watchmen, three thousand six hundred dollars.

MISCELLANEOUS.

Miscellaneous.

For official advertising, six thousand dollars.

For official surety bond premiums, seven thousand dollars.

For printing, various offices, four thousand five hundred dollars.

For traveling expenses of county treasurers, five thousand dollars.

For officers' and employes' compensation benefits, forty thousand dollars.

BOARD OF RAILROAD COMMISSIONERS.

Railroad commissioners.

For salaries of members, eighty thousand dollars.

For support and control of public utilities, seven hundred ninety-six thousand six hundred dollars.

INSURANCE COMMISSIONER.

Insurance commissioner.

For salary of insurance commissioner, twelve thousand dollars.

For salary of deputy insurance commissioner, five thousand four hundred dollars.

BUREAU OF LABOR STATISTICS.

Bureau of labor statistics.

For salary of commissioner, eight thousand dollars.

For salary of deputy commissioner, four thousand eight hundred dollars.

For salary of deputy commissioner at Los Angeles, four thousand eight hundred dollars.

For salary of assistant deputy commissioner, four thousand two hundred dollars.

For salary of statistician, five thousand four hundred dollars.

For salary of stenographer, two thousand four hundred dollars.

For salary of attorney, four thousand eight hundred dollars.

For traveling and contingent expenses, eighty-three thousand dollars.

For additional support seven thousand dollars.

For support, free public employment bureau, one hundred ninety thousand dollars.

INDUSTRIAL ACCIDENT COMMISSION.

For salaries of members of the commission, thirty thousand dollars. Industrial accident commission.

For support and maintenance of the commission, five hundred four thousand dollars.

For additional support and maintenance, fourteen thousand dollars.

IMMIGRATION AND HOUSING COMMISSION.

For support of commission, one hundred eighty-two thousand five hundred seventy-six dollars. Immigration and housing commission

For additional support four thousand dollars.

INDUSTRIAL WELFARE COMMISSION.

For support of commission, one hundred thirty thousand nine hundred eighty-five dollars. Industrial welfare commission.

CIVIL SERVICE COMMISSION.

For support and salaries of the commission eighty-seven thousand one hundred eighty dollars. Civil service commission

For additional support eight thousand dollars.

STATE WATER COMMISSION.

For salaries and per diems of commissioners, twelve thousand five hundred dollars. Water commission.

For support of commission, including salaries of office assistants, field men, and other expenses incidental to the work of the commission, one hundred eighty-three thousand seven hundred dollars.

For additional support of commission eighteen thousand dollars.

SUPERINTENDENT OF WEIGHTS AND MEASURES.

For salary of superintendent of weights and measures, eight thousand dollars. Superintendent of weights and measures

For salary of deputy, three thousand six hundred dollars.

For support of department, sixteen thousand dollars.

STATE BOARD OF HEALTH.

For salary of secretary, nine thousand dollars. Board of health.

For salary of assistant secretary, four thousand eight hundred dollars.

For salary of attorney, six thousand dollars.

For salary of statistician, four thousand eight hundred dollars.

For salary of deputy statistician, three thousand two hundred dollars.

For salary of clerk, three thousand two hundred dollars.

For salaries of two copyists, three thousand six hundred dollars.

For salary of director, pure food and drug laboratory, seven thousand two hundred dollars.

For salary of assistant director, pure food and drug laboratory, three thousand six hundred dollars.

For traveling and contingent expenses, sixty thousand dollars.

For support, district health offices, twenty-seven thousand five hundred dollars.

For support, pure food and drug laboratory, sixty-nine thousand three hundred fifty-five dollars.

For support, state hygienic laboratory, eighty-six thousand nine hundred ninety dollars.

For salary of consulting nutrition expert, two thousand four hundred dollars.

For salaries and expenses of sanitary inspectors, thirty-five thousand four hundred dollars.

For vital statistics, forty-two thousand dollars.

For support, contagious diseases, forty thousand six hundred fifty dollars.

For bureau of child hygiene, thirty-eight thousand five hundred sixty dollars.

For bureau of social hygiene, fifty-one thousand six hundred dollars.

For sanitary engineering, sixty-eight thousand seven hundred seventy dollars.

BOARD OF HARBOR COMMISSIONERS—EUREKA.

Eureka
harbor com-
missioners.

For salaries of three commissioners, two thousand four hundred dollars.

For salary of harbormaster, two thousand four hundred dollars.

For salary of secretary to harbor commissioners, two thousand four hundred dollars.

For contingent expenses of harbor commissioners, three thousand dollars.

NATIONAL GUARD.

National
guard.

For salary of adjutant general, ten thousand dollars.

For salary of assistant adjutant general, six thousand dollars.

For salary of chief clerk, three thousand eight hundred dollars.

For salaries of three clerks, ten thousand two hundred dollars.

For salary of stenographer-clerk, three thousand dollars.

For salary of military storekeeper, two thousand four hundred dollars.

For salary of assistant military storekeeper, one thousand eight hundred dollars.

For support of the national guard (and adjutant general's office), six hundred forty-one thousand two hundred thirty dollars.

STATE ENGINEERING DEPARTMENT.

For salaries of three members, twenty-one thousand six hundred dollars. Engineering department.

For salary of state engineer, ten thousand dollars.

For salary of state highway engineer, twenty thousand dollars.

For salaries of two assistant state engineers, twelve thousand dollars.

For salary of state architect, nine thousand six hundred dollars.

For salary of architectural designer, five thousand four hundred dollars.

For salaries of three architectural draftsmen, twelve thousand dollars.

For salary of engineering draftsman, four thousand dollars.

For salary of mechanical engineer, five thousand four hundred dollars.

For salaries of two filing clerks, seven thousand two hundred dollars.

For salary of blue-print pressmen, three thousand dollars.

For salary of secretary, six thousand dollars.

For salaries of two clerks and stenographers, six thousand dollars.

For salary of porter, one thousand eight hundred dollars.

For salary of electrical engineer, four thousand two hundred dollars.

For salary of structural engineer, four thousand eight hundred dollars.

For salary of auditor, four thousand eight hundred dollars.

For salary of general superintendent, six thousand dollars.

For salary of assistant state architect, six thousand dollars.

For salary of estimator, four thousand two hundred dollars.

For salary of specification writer, four thousand two hundred dollars.

For salaries of employees heretofore paid out of special appropriations, one hundred thousand two hundred forty dollars.

For printing, five thousand dollars.

For traveling and contingent expenses, fifty thousand dollars.

STATE BOARD OF EDUCATION.

For support and salaries one hundred sixty-nine thousand nine hundred twenty dollars. Board of education.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For salary of superintendent, ten thousand dollars.

For salary of deputy superintendent, six thousand dollars. Superintendent of public instruction.

For salaries of employees twelve thousand six hundred dollars.

For salary and expenses of assistant superintendent of public instruction in Americanization work, ten thousand dollars.

For postage, etc., contingent and traveling expenses, and clerical assistants, twenty-one thousand nine hundred fifty dollars.

For printing, etc. (exempt from section four of this act), thirty thousand dollars.

For textbooks for orphans, three thousand eight hundred dollars.

CHICO NORMAL SCHOOL.

Chico
normal
school.

For salaries of officers, teachers and employees at state normal school at Chico, one hundred seventy-two thousand five hundred dollars.

For support of state normal school at Chico, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, thirty thousand two hundred dollars.

FRESNO NORMAL SCHOOL.

Fresno
normal
school.

For salaries of officers, teachers and employees at state normal school at Fresno, two hundred twenty-one thousand dollars.

For support of state normal school at Fresno, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, twenty-seven thousand dollars.

HUMBOLDT NORMAL SCHOOL.

Humboldt
normal
school.

For salaries of officers, teachers and employees at state normal school at Humboldt, seventy-six thousand seven hundred dollars.

For support of state normal school at Humboldt, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, fifteen thousand dollars.

SAN DIEGO NORMAL SCHOOL.

San Diego
normal
school

For salaries of officers, teachers and employees at state normal school at San Diego, two hundred twenty-four thousand eight hundred dollars.

For support of state normal school at San Diego, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, twenty-five thousand eight hundred dollars.

SAN FRANCISCO NORMAL SCHOOL.

San
Francisco
normal
school

For salaries of officers, teachers and employees at state normal school at San Francisco, two hundred eighty-five thousand dollars.

For support of state normal school at San Francisco, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, twenty-two thousand four hundred dollars.

SAN JOSE NORMAL SCHOOL.

For salaries of officers, teachers and employees at state normal school at San Jose, three hundred sixty-five thousand one hundred dollars. San Jose normal school.

For support of state normal school at San Jose, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, fifty-two thousand seven hundred dollars.

SANTA BARBARA NORMAL SCHOOL.

For salaries of officers, teachers and employees at state normal school at Santa Barbara, one hundred fifty-nine thousand one hundred dollars. Santa Barbara normal school.

For support of state normal school at Santa Barbara, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, twenty thousand dollars.

CALIFORNIA POLYTECHNIC SCHOOL.

For salaries of officers, teachers and employees of California Polytechnic School at San Luis Obispo, one hundred forty-five thousand dollars. California Polytechnic School.

For support of California Polytechnic School at San Luis Obispo, care and improvement of grounds, library, museum and purchase of scientific apparatus of same, fifty-three thousand five hundred dollars.

CALIFORNIA SCHOOL FOR DEAF AND BLIND.

For salaries of officers, teachers and employees, two hundred fifty-two thousand five hundred dollars. California School for Deaf and Blind.

For support of school, one hundred three thousand dollars.

HASTINGS COLLEGE OF LAW.

For payment of interest on one hundred thousand dollars to Hastings College of the Law, fourteen thousand dollars. Hastings College of Law.

For support, four thousand eight hundred dollars.

STATE LIBRARY.

For salary of state librarian, ten thousand dollars. State library.

For support and maintenance of state library, two hundred ninety-five thousand nine hundred dollars.

STATE AGRICULTURAL SOCIETY.

For salary of secretary, six thousand dollars. Agricultural society.

For salaries of employees, fifteen thousand eight hundred dollars.

For aid to state agricultural society, eighty thousand dollars.

For traveling expenses of the directors, six thousand dollars.

STATE DEPARTMENT OF AGRICULTURE.

For salary of director, ten thousand dollars. Department of agriculture.

For support and salaries, nine hundred fifty thousand two hundred dollars.

For additional support and salaries fourteen thousand dollars.

STATE MARKET COMMISSIONER.

Market commissioner. For support and salaries, thirty seven thousand two hundred forty dollars.

SIXTH DISTRICT AGRICULTURAL ASSOCIATION.

Sixth district agricultural association. For support and salaries, seventy-four thousand nine hundred dollars.

STATE MINING BUREAU.

Mining bureau. For salary of state mineralogist, seven thousand two hundred dollars.

For support, including salaries, one hundred sixteen thousand six hundred dollars.

For special reports and investigations, twenty-five thousand dollars.

STATE BOARD OF FORESTRY.

Board of forestry. For salary of state forester, six thousand dollars.

For salary of deputy state forester, four thousand eight hundred dollars.

For salary of assistant state forester, three thousand two hundred dollars.

For support, including field and traveling expenses, twenty-seven thousand dollars.

For printing, etc., six thousand dollars.

For fire prevention and fighting, seventy-five thousand dollars.

For study of watershed area, ten thousand dollars.

For state nursery maintenance, fifteen thousand dollars.

REDWOOD PARK COMMISSION.

Redwood park commission. For support and salaries, nineteen thousand seven hundred twenty-two dollars.

SUTTER'S FORT.

Sutler's Fort. For salary of guardian, Sutter's Fort, two thousand one hundred sixty dollars.

For salary of gardener, two thousand six hundred forty dollars.

For salary of assistant gardener, two thousand four hundred dollars.

For maintenance of grounds, three thousand dollars.

MARSHALL MONUMENT.

Marshall monument. For salary of guardian, two thousand four hundred dollars.
For care of grounds, one thousand dollars.

VETERANS' HOME.

Veterans' Home. For support and maintenance, four hundred forty thousand dollars.

For printing, etc., three thousand dollars.

WOMEN'S RELIEF CORPS HOME.

Women's Relief Corps Home. For support and maintenance, thirty thousand dollars.

INDUSTRIAL HOME FOR ADULT BLIND.

For salaries of officers and employees, forty-five thousand dollars. Industrial Home for Adult Blind.
 For support, sixty-one thousand four hundred fifty dollars.

ORPHAN AID.

For support and salaries, children's agent's department, seventy-eight thousand three hundred twelve dollars. Orphan aid.

BOARD OF CHARITIES AND CORRECTIONS.

For support and salaries, ninety thousand dollars. Board of charities and corrections.

LUNACY COMMISSION

For salaries of officers and employees and for salary of general superintendent of state hospitals, forty-six thousand six hundred dollars. Lunacy commission.

For traveling expenses and all other contingent expenses of the commission and officers and employees, five thousand dollars.

For printing, etc., twelve thousand dollars.

For deporting insane, forty thousand dollars.

For salary of dental surgeon, seven thousand two hundred dollars.

For traveling expenses, etc., of dental surgeon, seven hundred fifty dollars.

AGNEWS STATE HOSPITAL.

For salaries of officers and employees, four hundred thirty thousand dollars. Agnews State Hospital.

For support, five hundred two thousand dollars.

MENDOCINO STATE HOSPITAL.

For salaries of officers and employees, three hundred thousand dollars. Mendocino State Hospital.

For support, three hundred forty-one thousand dollars.

NAPA STATE HOSPITAL.

For salaries of officers and employees, six hundred sixty thousand dollars. Napa State Hospital.

For support, six hundred forty-three thousand two hundred dollars.

NORWALK STATE HOSPITAL.

For salaries of officers and employees, two hundred seventy thousand dollars. Norwalk State Hospital.

For support, two hundred thirty-five thousand dollars.

PACIFIC COLONY.

For salaries of officers and employees, fifty-five thousand dollars. Pacific Colony.

For support, sixty thousand dollars.

SONOMA STATE HOME.

Sonoma
State Home.

For salaries of officers and employees, four hundred twenty-five thousand five hundred dollars.

For support, five hundred forty-two thousand dollars.

SOUTHERN CALIFORNIA STATE HOSPITAL.

Southern
California
State
Hospital.

For salaries of officers and employees, five hundred eighty-five thousand dollars.

For support, five hundred thirty-eight thousand five hundred dollars.

STOCKTON STATE HOSPITAL.

Stockton
State
Hospital.

For salaries of officers and employees, seven hundred thousand dollars.

For support, six hundred seventy thousand dollars.

TRANSPORTATION EXPENSES.

Transportation
expenses.

Transportation of prisoners, insane, delinquent and feeble-minded children to state institutions to which they are committed (exempt from section four of this act), two hundred twenty thousand dollars.

CALIFORNIA SCHOOL FOR GIRLS.

California
School
for Girls.

For salaries of officers and employees, one hundred forty-five thousand dollars.

For support, one hundred seventy-five thousand dollars.

PRESTON SCHOOL OF INDUSTRY.

Preston
School of
Industry.

For salaries of officers and employees, two hundred seventy-five thousand dollars.

For support, two hundred seventy-six thousand dollars.

WHITTIER STATE SCHOOL.

Whittier
State
School.

For salaries of officers and employees, two hundred forty-five thousand dollars.

For support, two hundred thirty thousand dollars.

For research department, forty thousand dollars.

SAN QUENTIN PRISON.

San Quentin
prison.

For salaries of officers and employees, state prison at San Quentin, three hundred twenty-five thousand dollars.

For support of state prison at San Quentin, five hundred fifty-seven thousand three hundred twenty dollars.

FOLSOM PRISON.

Folsom
prison.

For salaries of officers and employees, state prison at Folsom, two hundred seventy thousand dollars.

For support of state prison at Folsom, three hundred ninety-six thousand dollars.

HOME FOR DELINQUENT WOMEN.

For salaries of officers and employees, forty thousand dollars. Home for Delinquent Women.

For support, forty-five thousand dollars.

STATE BOARD OF PRISON DIRECTORS.

For printing, etc., five hundred dollars. Prison directors.

For assistance, paroled and discharged prisoners, thirty-six thousand dollars.

ADVISORY PARDON BOARD.

For support, five thousand dollars. Advisory pardon board.

TRANSPORTATION EXPENSES.

For arrest of criminals without the state, fifty thousand dollars. Transportation expenses.

BUREAU OF CRIMINAL IDENTIFICATION.

For support and salaries, forty-two thousand five hundred dollars. Bureau of criminal identification.

PAYMENT OF REWARDS.

Offered by governor, one thousand five hundred dollars. Payment of rewards.

Offered by governor, for illegal voting, five hundred dollars.

Highway robbers, two thousand dollars.

MISCELLANEOUS.

For emergency fund to be expended only upon unanimous vote of the board of control, approved by the controller (exempt from section four of this act), four hundred thousand dollars. Miscellaneous.

For purchase of topographic sheets, five hundred dollars.

For expenses of printing and advertising sale of state bonds (exempt from section four of this act), twenty thousand dollars.

For care of state burial grounds, five hundred dollars.

SEC. 2. The various sums herein appropriated for printing, binding, ruling, materials and all other work provided for by law to be done in the state printing office shall be expended only upon requisitions to be approved by the state board of control, and said board is authorized and given power to reduce the amount of such requisitions either in whole or in any item thereof. When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provisions of section two thousand two hundred ninety-five *a* of the Political Code of the State of California. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions

of section six hundred seventy-two of the Political Code; *provided*, that the state controller shall not be required to draw any warrants until the original claims and vouchers, itemized and properly sworn to, are filed with him. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections two thousand eighty-three and two thousand eighty-five of the Political Code. Not more than five hundred dollars of the money hereby appropriated for the support of the institutions of the state shall be used in each fiscal year for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employees, the purchase of material and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.

Biennial
statement
of officers.

SEC. 3. All persons having demands against the state, and various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state board of control is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each and of whom purchased, with the date of the purchase; *provided*, that in instances where the duties of any state officer or board make necessary the use of moneys for purposes of a confidential nature, the board of control may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the facts surrounding the expenditure, which statement must be filed in the office of the board of control; *provided, further*, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed in any one fiscal year the sum of two thousand dollars. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; *provided*, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatsoever, unless authorized thereto by law; *and provided*, that any offi-

Original
bills
required.

cer, board, commission or department for whom any appropriation is made herein, may, with the permission of the board of control, and without at the time furnishing vouchers and itemized statements, draw from such appropriation, a sum not to exceed one per cent of the total amount appropriated for any such officer, board, commission or department. The sum so drawn shall be used as a revolving fund where cash advances are necessary, and at the close of each biennium, or at any other time, upon the demand of the board of control, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller.

SEC. 4. Not more than one twenty-fourth of the amount appropriated under this act for each department or institution for the two years ending June 30, 1923, shall be expended during any one month without the consent of the state board of control, and not more than one-half of such appropriation shall be expended during the seventy-third fiscal year, unless the same has been expressly authorized by this act.

SEC. 5. The officers of the various departments, boards, commissions and institutions for whose benefit and support appropriations are made in this act are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the state board of control be first obtained, and a certificate, in writing, duly signed by every member of said board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by said state board of control nor paid out of any state appropriations; *provided*, that any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of control, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the state printing office and its contents.

SEC. 7. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section one, of article four, of the constitution of the State of California, take effect immediately.

STATE OF CALIFORNIA,
EXECUTIVE OFFICE, SACRAMENTO.

Items dis-
approved.

The foregoing general appropriation bill, Assembly Bill No. 851, is approved except for the certain items hereinafter specifically set forth and objected to in accordance with section 16, article IV, of the constitution, which items are disapproved, to wit:

(1) I object to the following items on pages 5 and 6 [1703] under the heading, "State Board of Control," to wit:

"For salary of superintendent of accounts, seven thousand two hundred dollars."

"For salaries of two assistant superintendents of accounts, ten thousand eight hundred dollars."

"For salaries of three clerks, ten thousand eight hundred dollars."

"For salary of messenger, one thousand eight hundred dollars."

(2) I object to the following items on page 9 [1706] under the heading, "State Purchasing Department," to wit:

"For salary of state purchasing agent, eight thousand dollars."

"For salary of assistant state purchasing agent, six thousand dollars."

"For salary of testing engineer, state purchasing department, five thousand four hundred dollars."

(3) I object to the item on page 9 [1707] under the heading, "Superintendent of Capitol Building and Grounds."

"For salary of superintendent of capitol building and grounds, six thousand dollars."

(4) I object to the following item on page 11 [1708] under the heading, "Bureau of Labor Statistics."

"For additional support, seven thousand dollars."

(5) I object to the item on page 11 [1709] under the heading, "Industrial Accident Commission."

"For additional support and maintenance, fourteen thousand dollars."

(6) I object to the item on page 11 [1709] under the heading, "Immigration and Housing Commission."

"For additional support, four thousand dollars."

(7) I object to the item on page 11 [1709] under the heading, "Civil Service Commission."

"For additional support, eight thousand dollars."

(8) I object to the following items on page 11 [1709] under the heading, "State Water Commission," to wit:

"For salaries and per diems of commissioners, twelve thousand five hundred dollars."

"For additional support of commission, eighteen thousand dollars."

(9) I object to the following items on page 13 [1711] under the heading, "State Engineering Department," to wit:

"For salaries of three architectural draftsmen, twelve thousand dollars."

"For salary of engineering draftsman, four thousand dollars."

"For salary of two filing clerks, seven thousand two hundred dollars."

"For salary of blue-print pressmen, three thousand dollars."

"For salary of secretary, six thousand dollars."

(10) I object to the item on page 16 [1713] under the heading, "State Department of Agriculture."

"For additional support and salaries, fourteen thousand dollars."

(11) I object to the following items on page 17 [1715] under the heading, "Lunacy Commission," to wit:

"For salaries of officers and employees and for salary of general superintendent of state hospitals, forty-six thousand six hundred dollars."

"For deporting insane, forty thousand dollars."

All and each of the above enumerated items are disapproved for the reason that I have heretofore signed bills, passed by the legislature, effecting a reorganization and consolidation of state institutions and departments and the amounts of money included in these items will not be necessary under the new laws.

Dated: June 3, 1921.

WM. D. STEPHENS,
Governor of California.

NOTE.—Page numbers given in above statement are those of enrolled bill presented to the Governor for approval; accompanying numbers enclosed in brackets [] are pages of these statutes on which the items disapproved appear.

CHAPTER 906.

An act concerning the water front of the city and county of San Francisco, and authorizing the state harbor commissioners to furnish oil tanks, conveyors and transit sheds in the port of San Francisco, and repealing an act entitled "An act concerning the water front of the city and county of San Francisco," approved April 30, 1919.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The board of state harbor commissioners is hereby authorized and empowered to construct, maintain and operate freight storage space, oil tanks and other oil containers and such other facilities in connection therewith as may from time to time be expedient and to the advantage of the commerce of the port of San Francisco. in order that the present practice of storage at the port of San Francisco may be continued, and to fix such charges and to make such rules and regulations as it may deem expedient for the operation thereof, and said board is further authorized and empowered to construct, maintain and operate conveyors on, above and under the ground from and to and between the piers and wharves and other property of the State of California and to and from the piers and wharves and other property of the State of California and under the jurisdiction of the board and to and from the property owned by the state and fronting on the Embarcadero from any property of the State of California under the jurisdiction of said board as it may from time to time deem expedient and to the advantage of the commerce of the port of San Francisco, and to fix all charges and make such rules and regulations as it may deem expedient in the operation thereof.

Storage facilities at port of San Francisco.

SEC. 2. Nothing herein contained shall be construed so as to constitute the board of state harbor commissioners warehousemen or as being in the warehouse business, or authorized to issue warehouse or storage receipts, or otherwise to act as bailee, or to exercise other than a governmental function in carrying out the purpose and intent of this act, it being the intent and purpose hereof to enable the board of state harbor commissioners to furnish necessary storage space for such export and import tonnage, and competitive tonnage, that could use other ports, needing temporary storage through inability to connect with forwarding carriers, and so as to enable said tonnage to move through the port of San Francisco; *provided, however*, that nothing herein contained shall limit or qualify the rights or duties of said board to construct, maintain or operate oil tanks and other oil containers.

Purpose of act.

SEC. 3. An act entitled "An act concerning the water front of the city and county of San Francisco," approved April 30, 1919, is hereby expressly repealed.

Stats. 1919, p. 254, repealed.

CHAPTER 907.

An act appropriating money to carry out the building and developmental program at the Preston School of Industry and to provide for repairs, improvements, equipment and furnishing.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Appropriation:
building
program.
Preston
School of
Industry.

SECTION 1. The sum of one hundred eighty-four thousand nine hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law to carry out the building and developmental program at the Preston School of Industry and to provide for repairs, improvements, equipment and furnishing.

CHAPTER 908.

An act to provide for the restoration of the San Diego mission, appointing a committee therefor, and providing an appropriation to carry this act into effect.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Restoration
of San Diego
mission.

SECTION 1. The governor of this state is hereby empowered to appoint a committee of three citizens of the State of California to act with a committee of like number appointed by the San Diego parlor of the order of Native Sons and Daughters of the Golden West, who shall restore the mission of San Diego.

Appropriation.

SEC. 2. There is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, the sum of ten thousand dollars to be expended in accordance with law for the purposes of this act.

CHAPTER 909.

An act to amend section three thousand seven hundred sixty-six of the Political Code, relating to the publication of delinquent tax lists.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section three thousand seven hundred sixty-six of the Political Code is hereby amended to read as follows:

3766. The publication must be made once a week for three successive weeks in some newspaper of general circulation published in the county, and must be paid therefor at the county rate for advertising as fixed by the board of supervisors. If there be no newspaper of general circulation published in the county then said list must be posted in three public places in the county.

Publication
of delinquent
tax lists.

CHAPTER 910.

An act to provide for the completion of the restoration of the Mission San Francisco del Solano, in the city of Sonoma, State of California, and making an appropriation therefor.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of completing the restoration of the Mission San Francisco del Solano, in the city of Sonoma, State of California, said restoration to be carried out under the direction of the state engineering department and the authorities having charge of the care and custody of said Mission San Francisco del Solano.

Appropriation:
restoration
of Mission
San Francisco
del Solano.

CHAPTER 911.

An act to amend section two hundred seventy of the Penal Code, relative to neglecting to furnish necessities for minor child.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section two hundred seventy of the Penal Code is hereby amended to read as follows:

270. A parent of either a legitimate or illegitimate minor child who wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his child is punishable by imprisonment in the state prison, or in

Neglecting
to furnish
necessaries
for minor
child.

the county jail, not exceeding two years, or by fine not exceeding one thousand dollars, or by both, and it shall be no defense to such an action that such child has been provided for by other persons. The superior court, sitting as a juvenile court may exercise original jurisdiction over all such offenses.

CHAPTER 912.

An act to amend an act entitled "An act establishing and creating a department of the state mining bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employes; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental ruling; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 1586,
amended.

SECTION 1. Section two of an act entitled "An act establishing and creating a department of the state mining bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employes; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, is hereby amended to read as follows:

Compensation of state mineralogist.

Sec. 2. For his services in the general supervision of said department, the state mineralogist shall receive as compensation one thousand four hundred dollars annually which shall be in addition to his compensation fixed in section two of the act of June 16, 1913, relating to the state mining bureau. The secretary of the state mining bureau shall receive for his

services in connection with the department of petroleum and gas, a sum not to exceed one thousand two hundred dollars annually, which sum shall be in addition to his compensation paid from the funds of the state mining bureau.

The supervisor shall receive an annual salary of six thousand dollars, and shall be allowed his necessary traveling expenses. The state mineralogist may, at the request of the state oil and gas supervisor, and subject to the civil service laws of the state, appoint one chief clerk at a salary not to exceed two thousand four hundred dollars annually; fifteen office assistants or stenographers each at a salary not to exceed one thousand eight hundred dollars annually; four geological draughtsmen each at a salary not to exceed two thousand one hundred dollars annually; four petroleum engineers each at a salary not to exceed three thousand dollars annually; twelve inspectors each at a salary not to exceed two thousand four hundred dollars annually.

Salary of
supervisor.

The additional salary herein authorized to be paid to the state mineralogist and the secretary of the state mining bureau and the salaries of the supervisor and of the deputies, clerks, stenographers, assistants and other employees shall be paid out of the funds hereinafter provided for at the times and in the manner that salaries of other state officers and employees are paid.

Sec. 2. Section four of said act, approved June 10, 1915, as amended, is hereby amended to read as follows:

Stats. 1910,
p. 1160,
amended.

Sec. 4. It shall be the duty of the state oil and gas supervisor to appoint one chief deputy and five field deputies, one for each of the districts hereinafter provided for, and prescribe their duties and fix their compensation, which shall not exceed five thousand dollars per annum for the chief deputy, and not to exceed four thousand five hundred dollars per annum for each field deputy. Such deputies shall serve during the pleasure of the supervisor. He shall also employ an attorney at a compensation not exceeding three thousand dollars per annum, payable out of said fund. The supervisor, the deputies and attorney shall not be subject to the civil service act.

Deputies.

Sec. 3. Section twenty-seven of said act, approved June 10, 1915, as amended, is hereby amended to read as follows:

Stats. 1917,
p. 1599,
amended.

Sec. 27. The state mineralogist shall annually, on or before the first Monday in March, acting in conjunction with the state board of control, make an estimate of the amount of moneys which shall be required to carry out the provisions of this act.

Estimate of
money
required.

At the time of making such estimate, the state mineralogist shall report to the state board of control the amount of money in the petroleum and gas fund on the day such estimate is made, less the amount of money necessary for the support of the department of petroleum and gas for the remainder of the fiscal year, and the amount of such estimate shall in no event exceed the difference between the amount thus determined as remaining in the petroleum and gas fund at the end of the

fiscal year and the sum of one hundred eighty-five thousand dollars.

Stats. 1917,
p. 1603,
amended.
Petroleum
and gas
fund.

SEC. 4. Section forty-six of said act, approved June 10, 1915, as amended, is hereby amended to read as follows:

Sec. 46. All the moneys heretofore paid to the state treasurer under or pursuant to the provisions of this act and deposited to the credit of the oil protection fund, shall be withdrawn from said fund, which is hereby abolished, and deposited to the credit of the petroleum and gas fund which is hereby created. All of the moneys hereafter paid to the state treasurer under or pursuant to the provisions of this act shall be deposited to the credit of the petroleum and gas fund. All moneys in such fund shall be expended under the direction of the state mineralogist, drawn from such fund for the purpose of this act upon warrants drawn by the controller of the state, upon demands made by the state mineralogist, and audited by the state board of control. Of the moneys in said petroleum and gas fund, when such action has been authorized by the state board of control, the state mining bureau may withdraw, without at the time furnishing vouchers and itemized statements, a sum not to exceed one thousand dollars, said sum so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year, or at any other time, upon demand of the board of control the moneys so drawn shall be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control.

CHAPTER 913.

An act to provide that certain graduates of normal schools and teachers' colleges shall be required to qualify to give elementary instruction in agricultural subjects.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Normal
school
instruction
in agri-
culture.

SECTION 1. All state normal schools and state teachers' colleges of this state engaged in the training of elementary school teachers shall, after the first day of January nineteen hundred twenty-three, graduate from any three year course leading to the elementary teacher's general certificate only such persons as have by practical experience and study secured a knowledge of agriculture such as will qualify them to intelligently instruct children of the elementary school grades in home gardening and agricultural project work; *provided*, that the standard established for qualification in this subject shall be not less than that represented by a course of instruction covering one-fourth of one year of the entire school time or the college or normal school student, or an equivalent qualification based upon experience and study.

CHAPTER 914.

An act providing for the organization, operation, maintenance, and government of water storage districts, and for the acquisition, appropriation, diversion, storage, conservation, and distribution of water for irrigation of lands in such districts, for drainage and reclamation connected therewith, and for the generation, disposition, and sale of hydro-electric energy developed incidental to such storage and distribution; and for the acquisition of lands or rights therein and the acquisition, construction, operation, and maintenance of works to carry into effect the provisions of this act; and conferring upon the state engineer certain additional duties and powers in connection with the carrying out of the purposes of said act and providing for the appointment of directors to assist the state engineer in so doing and defining said duties and powers; and repealing the California irrigation act approved June 4, 1915, and all acts amendatory thereof.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. The state engineer shall have the powers and duties in this act conferred upon him, in addition to the other powers and duties possessed by or imposed upon him by law, and shall also possess and exercise such further powers and authority as may be necessary to enable him to fully perform the duties imposed upon him by this act, including the employment of such engineers, attorneys, superintendents, inspectors, and other assistants as he may deem necessary, and the fixing of their compensation, which together with the cost and expense of all work done in connection with the performance of such duties under this act shall be paid by the districts to be formed hereunder as hereinafter provided for payment of other expenses of the district.

SEC. 2. For the purpose of facilitating and expediting the performance of the duties in this act imposed upon the state engineer and to provide against interference with the performance of the other duties imposed upon him by law, and to provide for the equalization of assessments in this act provided for, the governor shall within thirty days after the date upon which this act takes effect name and designate two persons to be known and hereinafter referred to as executive directors, one of whom shall have at least five years' practical experience in irrigation and the other of whom shall have had at least five years' experience in administration and both of whom shall be residents of this state and continue to be such residents during their term of office, which term shall be four years, and until their successors have been named and have qualified. Their

Powers and
duties of
state
engineer.

Executive
directors.

Term.

Compensation.

successors shall be named and designated in like manner. Each of said executive directors shall receive as compensation the sum of twenty dollars per day for each day employed by him in the performance of duties under this act, and shall receive actual traveling expenses while engaged in such duties, which shall be chargeable as a part of the cost of the project of the district for which such duties are performed. The powers and duties herein conferred and imposed upon the state engineer may be exercised by said executive directors under the direction of the state engineer.

Petition for organization of water storage district.

SEC. 3. A majority in number of the holders of title or evidence of title to lands already irrigated or susceptible of irrigation from a common source and by the same system of storage and irrigation works and representing a majority in value of said lands may by written petition propose the organization of a water storage district under the provisions of this act which shall comprise lands so irrigated or susceptible of irrigation and may include therein lands situated in other distinctive district agencies of the state including other water storage districts having different plans and purposes and the object of which is not the same; organization of such a district under the provisions of this act may also be proposed by written petition signed by not less than five hundred petitioners who are holders of title or evidence of title to lands therein; *provided*, that the said petitioners must include the holders of title or evidence of title to not less than ten per cent in value of the lands within said proposed district. Such lands proposed to be organized into a water storage district need not consist of contiguous parcels but may include the major portion of the lands situated within two or more district agencies of the state.

Presentation to state engineer.

SEC. 4. In order to propose the organization of a water storage district, a petition signed as provided in the preceding section setting forth generally the boundaries of the proposed district or describing the lands situated therein, and the location proposed for the storage of water to be used for such irrigation, any drainage or reclamation connected therewith, and any incidental development of hydro-electric energy, and the nature of the proposed works, and praying that the territory embraced within said proposed district may be organized as a water storage district under the provisions of this act, shall be presented to the state engineer. The petition may consist of any number of separate instruments, and must be accompanied with a good and sufficient undertaking, to be approved by the state engineer, in double the amount of the probable cost of organizing such district as estimated by said state engineer, conditioned that the sureties shall pay all of said costs in case said organization shall not be finally effected, and said state engineer shall have power to require the furnishing of any additional undertaking, or undertakings, or payments of money, in case he should deem the same necessary. Upon the presentation and filing of said petition and undertaking in the office of the

Undertaking to pay costs.

said state engineer the said engineer shall forthwith fix a time and place at which he will hear said petition, which time shall be not less than twenty nor more than thirty days after the presentation and filing of said petition. Said petition, together with a notice stating the time and place of the hearing so fixed by said engineer, shall be published in each county in which any of the lands of said proposed district are situate by said state engineer once a week for four successive weeks before said hearing. Said notice shall be issued by said state engineer, shall refer to said petition, and shall be directed to the persons named as petitioners therein, and to all other persons holding title or evidence of title to any lands included within the water storage district proposed in said petition, and to all persons having or claiming any right, title, or interest in and to the waters proposed to be stored, acquired, or used as set out in said petition, and to all other persons who may be interested in or affected by the project contemplated in said petition, and shall be substantially in the following form:

Publication of petition.

Before the state engineer, State of California.

Form of notice.

To the persons named as petitioners in the foregoing petition, to all persons holding title or evidence of title to lands included within the water storage district proposed therein; to all persons having or claiming any right, title, or interest in or to the waters proposed to be stored, acquired, or used as set out in said petition; and to all other persons who may be interested in or affected by the project contemplated in said petition:

You, and each of you, are hereby notified that the foregoing petition was filed with the state engineer on the _____ day of _____, _____, and will be heard by said engineer at _____ on the _____ day of _____, _____, at the hour of _____, _____ m. of that day, at which time and place said engineer will hear and receive evidence in support of said petition or any objections which may be presented thereto, and will hear and determine the right of all parties holding title or evidence of title to lands not included in the water storage district proposed in said petition, but which lands are already irrigated or susceptible of irrigation from the same common source and by the same system of storage and irrigation works as are particularly referred to and described in said petition, to have said lands included in said district.

This notice is given pursuant to the provisions of an act approved _____, and known as California water storage district act, to which said act particular reference is hereby made.

Dated: _____

State engineer.

When contained upon more than one instrument one copy only of such petition need be published but the names attached to all said instruments must appear in such publication. Signatures to the petition may be withdrawn at any time before

the publication is commenced as in this section required, by filing a declaration signed by the petitioner, with the state engineer, stating that it is the intention of the petitioner to withdraw therefrom, which declaration shall be acknowledged in the same manner as conveyances of real estate are required to be acknowledged.

Hearing.

SEC. 5. At the time and place fixed in said notice the state engineer shall proceed to hear said petition and to determine whether or not the same complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not exceeding two weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, and no lack of signatures thereto, or to the petition as published, shall vitiate any proceedings thereon; *provided*, such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of said engineer shall be expressed by an order establishing the facts. If said state engineer shall determine that any of the requirements hereinbefore set forth have not been complied with the matter shall be dismissed, but without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures, if such additional signatures are necessary to comply with the requirements of this act. If the state engineer shall determine that all the said requirements have been complied with the said engineer shall forthwith proceed to hear said petition and all evidence offered in support of the petition and in support of said written objections, and the written application of any holder of title or evidence of title to lands included in said proposed water storage district to have said lands excluded therefrom, and to also receive the written application of the holder of title or evidence of title to other lands already irrigated or susceptible of irrigation from the common source and by the same system of storage and irrigation works in said petition more particularly referred to and described, to have said lands included in said district and to participate in the benefits of such water storage district. Said engineer shall ascertain and determine the practicability, feasibility, and utility of the proposed project set forth in said petition, and for that purpose may make, or cause to be made, all necessary studies, examinations, surveys, plans, and estimates of cost, and in connection therewith said state engineer may employ all necessary engineers, attorneys, and other assistants, or acquire and use estimates, surveys, and reports theretofore made, for the accomplishment of said purposes, and the cost thereof shall not in the aggregate exceed a sum in dollars equal in amount to one-fourth the number of acres in

Determina-
tion of
engineer.

Examination
of proposed
project.

Cost of
examina-
tion.

such proposed district and shall be deemed a part of the expense of said project, and said state engineer may require the same to be paid by the proponents of said district or may issue warrants therefor and which payment and warrants shall be considered and treated in all respects as warrants of the district and which shall be payable out of the funds of said district when the organization thereof has been completed, and the same, if necessary, may be included in any bond issue authorized for the purposes of said district. If said district shall, as a result of any election hereinafter provided for, be not organized, any warrants issued by said state engineer or board of directors of said district upon the funds of the district shall be a charge upon the undertaking, or undertakings, hereinbefore and in section four of this act provided for, and shall thereupon become due and payable by the sureties therein named, and the holders of said warrants shall have a cause of action against said sureties thereon.

SEC. 6. Upon the final hearing of said petition the state engineer shall make an order reaffirming his conclusions as to the genuineness and sufficiency of the petition, affirming the regularity and sufficiency of the notice of hearing thereon, and determining the practicability, feasibility, and utility of the proposed project. The said engineer shall also in his said order establish the boundaries of the proposed district or describe the lands included therein, specify the location proposed for the storage of water to be used for any of the purposes of this act, and provide an estimate of the probable cost of the proposed project; and in so doing shall make such changes in any of the matter or proposals set forth in said petition as he may deem advisable. The said state engineer also shall in his said order divide said proposed district into five, seven, nine, or eleven divisions in such manner as to segregate into separate divisions lands possessing the same general character of water rights or interests in and to the waters of such common source, which divisions shall be numbered first, second, third, fourth, and fifth, and sixth, seventh, eighth, ninth, tenth, or eleventh, according to the number of such divisions. The order of said state engineer, made as in this section provided, shall be signed by him and entered in full upon the records kept by him. A copy of such order certified by said state engineer, together with a map showing the exterior boundaries of the district and indicating the lands if any excluded therefrom, shall forthwith be filed for record in the office of the county recorder of each county in which any of the lands within the said district are situated. The finding of said state engineer in favor of the genuineness and sufficiency of the petition and the regularity and sufficiency of the notice of hearing thereon shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within ninety days after the date of first filing in

Order of
state
engineer

Boundaries.

Divisions
of district.

Recording
of order.

the office of any county recorder of such certified copy of said order as hereinabove required.

Election to determine organization.

SEC. 7. Said state engineer shall, within sixty days after the filing of said order, give notice of an election to be held in the proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries so established, or the lands so included, and the divisions so created, and shall designate a name for the proposed district, and said notice shall be published once a week for at least three weeks previous to such election in each county in which any land in the proposed district is situated. Such notice shall require ballots to be cast which shall contain the words "Water storage district—Yes" or "Water storage district—No," or words equivalent thereto, and also the names of persons to be voted for at said election. For the purposes of said election the state engineer must establish a convenient number of election precincts in said proposed district and define the boundaries thereof and at least one such precinct must be established for each division of said district and said state engineer, at the time of calling said election, shall in his order designate voting places and appoint three landholders of the district to act as a board of election at each voting place. Such election shall be conducted as nearly as practicable in accordance with the general water storage district election as in this act provided, but no particular form of ballot shall be required. Nominating petitions for officers to be elected at such election shall be filed as provided in section thirty-nine of this act except that the same shall be filed in the office of the state engineer.

Precincts.

Board of directors and treasurer.

SEC. 8. At such election there shall be elected a board of directors corresponding in number to the number of divisions in the district, and a treasurer. None of said directors shall be elected by the district at large, but one director shall be elected by each division to represent such division. Said officers shall qualify in the same manner as is provided for the qualification of the same officers elected at a general water storage district election as hereinafter in this act provided.

Qualifications of voters.

SEC. 9. No person shall be entitled to vote at such election unless he holds title or evidence of title to land in such district, and each qualified voter shall be entitled to vote in person or by written proxy in each precinct in which he is such holder of title or evidence of title to land, and to cast one vote for each one hundred dollars' worth, or fraction thereof, of land in said precinct owned by him.

Canvass of votes.

SEC. 10. The state engineer shall on the second Monday succeeding such election proceed to canvass the votes cast thereat and if upon such canvass it appears that a majority of all the votes cast are "Water storage district—Yes" said engineer shall, by an order entered in the records kept by him, declare the territory duly organized as a water storage district under the name theretofore designated, and shall declare the candidate for director receiving at such election the

highest number of votes in each division to be duly elected a director, and the candidate for treasurer receiving the highest number of votes in the district to be duly elected treasurer. If upon such canvass it appears that a majority of all the votes cast are "Water storage district—No," then the result of such election shall be declared accordingly and entered of record in the records kept by the state engineer.

SEC. 11. If such order on election shall declare the territory duly organized as a water storage district the said state engineer shall forthwith cause a copy of such order, duly certified, to be filed for record in the office of the county recorder of each county in which any portion of the lands embraced in such district is situated, and from and after such filing the organization of such district shall be complete and said district shall have the powers and rights conferred upon it by the provisions of this act. Said state engineer shall at the same time issue certificates of election to the persons declared in said order to be elected directors and treasurer.

Filing order
organizing
district.

Certificates
of election

SEC. 12. The directors and treasurer elected at such election, after qualifying by receiving their certificates of election and subscribing the official oath and giving the required bonds, shall immediately enter upon their duties and shall hold office, respectively, until their successors are elected and qualified.

Oath and
bond of
officers.

SEC. 13. The directors shall on the first Tuesday after their election and qualification meet and organize as a board and select and designate an office of the board, which shall also be the office of the district, at which the board shall thereafter hold its meetings. The board shall then proceed to classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire on the first Tuesday in March following the next general February election in this act provided for; and the term of office of the class having the lesser number shall terminate on the first Tuesday in March following the next general February election thereafter. After such classification the board shall elect a president from their number and shall appoint a secretary, each of whom shall hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board.

Organization
of directors.

President.

Secretary.

SEC. 14. The board of directors shall thereafter hold regular meetings on the first Tuesday of each month at the place selected as the office of the board; *provided*, that such board may by resolution duly entered upon its minutes fix any other time or place for the regular monthly meeting, but no such change shall become effective until after the resolution making such change shall have been published once a week for two successive weeks in the county in which the office of the board of directors is located. Such special meetings of the board of directors may be held as may be required for the

Meetings.

proper transaction of the business of the district, but a special meeting must be ordered by a majority of the board. The order must be entered of record, and five days notice thereof must be given by the secretary to each director not joining in the order. The order must specify the business to be transacted, and no other business than that specified in the order may be transacted at such special meeting, unless all the members are present and consent to the consideration of any business not specified in said order. All meetings of the board must be public and a majority shall constitute a quorum for the transaction of business. A smaller number of directors than a quorum may adjourn from day to day. All records of the board shall be open to public inspection during business hours.

SEC. 15. The board of directors shall have in addition to the powers and authority hereinbefore and hereinafter conferred upon it, such further powers and authority as may be necessary to enable it to fully perform the duties imposed upon it by this act.

Assessment
to pay
expenses of
organization.

SEC. 16. The board of directors must and shall at its first regular monthly meeting levy an assessment of an equal amount upon each acre of land in said district sufficient to pay all warrants issued by the state engineer in accordance with the provisions of this act, and in addition thereto an amount sufficient in the judgment of said board to defray all other expenses incurred or to be incurred by or for the benefit of said district prior to the appointment of the commissioners provided for in section nineteen of this act. In the event the assessment so levied for the purposes aforesaid shall not be sufficient, it shall be the duty of the board of directors to levy an additional assessment, or assessments; *provided, however*, the total of all such assessments exclusive of the amount assessed to pay all warrants issued by the state engineer shall not exceed fifty (50) cents per acre. Thereafter if it shall become necessary to provide funds for the payment of any expense incurred by or on behalf of the district subsequent to the appointment of said commissioners and prior to the assessment provided for in section nineteen of this act, the board of directors shall levy such additional assessment, or assessments, of an equal amount upon each acre of land in said district as may be necessary to pay such expenses. Said assessment, or assessments, so levied shall constitute a lien upon the lands affected thereby until the full amount thereof is paid, which lien shall be prior to all other liens except state, county, and municipal taxes and assessments or taxes levied or assessed by or under statutory authority, and shall be collected in the same manner as other assessments provided for in this act.

Examination
and study of
proposed
project.

SEC. 17. The board of directors shall, upon the organization of a water storage district as in this act provided, proceed to make or cause to be made, all such examinations, surveys, detailed plans and specifications, and estimates of costs

for the acquisition, appropriation, diversion, storage, conservation, and distribution of water, any drainage or reclamation works connected therewith, and the generation of hydro-electric energy incident thereto, and the sale and distribution thereof, as may be necessary or requisite to enable said board of directors to ascertain and estimate the requirements and works necessary as aforesaid for the purposes of said water storage district and the probable cost and expense thereof, and to make a report thereof as hereinafter provided. In such connection said board may use and adopt all previous estimates, surveys, reports, and other data it may have acquired or which are available to it adapted to that purpose, and may employ all necessary engineers, attorneys, and other assistants for the accomplishment of said purposes, and the cost thereof shall be deemed a part of the expense of said project, and such board may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district.

Upon the completion of said examination and study of the proposed project by the said board of directors, the said board shall prepare and file in the office of the state engineer a report thereof, in which said report shall be set forth in full and in detail the character and nature of the proposed works, a description of the rights, both to waters and lands, it will be necessary to acquire to carry said project to completion, accompanied by detailed plans and specifications, and a detailed estimate of the costs of said project, including the acquisition of all rights necessary to the completion and operation thereof. The board of directors shall attach to said report a recommendation that said project shall be carried out in accordance with the plans and specifications in said report contained, or that said project be abandoned. Such report when completed shall be signed by a majority of the board of directors and entered in full upon the minutes of said board. A copy of such report certified by the secretary of said board of directors shall be filed in the office of the state engineer.

SEC. 18. If the said board of directors recommends that said project be abandoned the state engineer shall make such further investigation of said project as is in his judgment desirable and shall within sixty days after the filing of said report make and enter upon the records kept by him an order either (a) approving and confirming the said report and recommendation and declaring said project abandoned, which said order shall be without prejudice to the presentation of another petition covering the same matter, or (b) approving and adopting the said report but taking no action with respect to the said recommendation, and calling another election to be held in the district for the purpose of determining whether or

Report to
state
engineer.

If board
recommends
abandoning
project.

Election.

not the recommendation of said board of directors shall be adopted or rejected. In the event the said order so made and entered by the state engineer shall call an election, said state engineer shall within thirty days after the entry of said order give notice of such election. Said notice shall be published once a week for at least three weeks previous to such election in each county in which any land in the district is situated. Said notice shall require ballots to be cast, which shall contain the words "Completion of project—Yes" or "Completion of project—No." For the purposes of said election the state engineer must establish a convenient number of election precincts in said district and define the boundaries thereof and said state engineer at the time of calling said election shall in his order designate voting places and appoint three land holders of the district to act as a board of election at each voting place. Such election shall be conducted as nearly as practicable in accordance with the provisions of this act relating to general water storage district elections, but no particular form of ballot shall be required. The qualification of voters at said election shall be the same as prescribed for the original election on organization of district, and the votes cast at said election shall be canvassed in the same manner as votes cast at said original election, and the result of such election shall be declared and entered of record in the minutes of the board. If such result shall show a majority of all the votes cast are "Completion of project—No," the state engineer shall make and enter in his records an order declaring said project abandoned, and requiring all persons, except the holders of warrants issued pursuant to the provisions of this act and which have been duly presented for payment, having claims against said district, or proposed district, to file them with the necessary vouchers within three months from the making of said order in the office of said state engineer. Notice of said order requiring presentation of claims stating the time and place thereof shall be published in the county in which the office of the district is located by said state engineer once a week for four successive weeks, the first publication of which said notice shall be made within ten days after the making of said order. After all warrants issued under the provisions of this act which have been duly presented for payment and all claims that have been duly presented and have been allowed and approved by said state engineer or the board of directors of said district, have been paid, said state engineer shall forthwith cause a copy of said order declaring said project abandoned, duly certified by said state engineer, to be filed for record in the office of the county recorder of each county in which any portion of the land embraced in said district is situated, and from and after such filing said district shall be deemed dissolved and all liens which may have attached to any of the lands therein under any provisions of this act shall be discharged and any undertaking given pursuant thereto shall be annulled and of no further effect. If the canvass of the

Order
declaring
project
abandoned

votes cast at such election show a majority of all votes cast are "Completion of project—Yes" said state engineer shall thereupon appoint the commissioners provided for in section nineteen of this act and thereafter such proceedings shall be taken and followed as are provided in said section nineteen and subsequent sections of this act.

SEC. 19. If the board of directors recommends that said project be carried out in accordance with the plans and specifications in its said report contained and if within sixty days after the filing of said report in the office of the state engineer there shall be presented to and filed with said state engineer a petition signed by the owners of more than fifteen per cent of the total assessed valuation of the land in the district requesting that an election be held to ascertain whether such recommendation of the board of directors shall be adopted, the state engineer shall immediately give notice of such an election, which election shall be held and conducted and the result thereof determined and declared in all respects as provided in section eighteen of this act, and if the result of such election shows a majority of all votes cast are "Completion of project—No" the project shall be deemed abandoned and proceedings shall be thereafter taken as provided in said section eighteen in case of abandonment, but if no petition shall be filed as aforesaid or if an election be held and the majority of the votes cast thereat are "Completion of project—Yes" then the state engineer shall forthwith appoint three commissioners whose duty it shall be to assess the cost of the project, upon the benefited lands within the district which shall be done, and the said cost shall be apportioned in accordance with the benefits that will accrue to each tract of land held in separate ownership in said district by reason of the expenditures of said sums of money, and the completion of the project, such assessment to be in gold coin of the United States. One of said commissioners shall be a civil engineer and one shall have a practical knowledge of irrigation, and none of said commissioners shall have any interest in any land in the district either directly or indirectly, and each commissioner before entering upon his duties shall take and subscribe an oath that he is not in any manner interested directly or indirectly in any land in the district and that he will perform the duties of commissioner to the best of his ability, and said commissioners shall be paid as compensation for the services rendered by them such sum, or sums, as the state engineer shall fix and determine, which shall be considered a part of the cost of the project, and said state engineer may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district. The said commissioners shall receive from the board of directors of the district the detailed plans, specifications, and estimate of the costs of the project, which have theretofore been duly

If board recommends carrying out project.

Election.

Commissioners to assess cost of project.

approved by the state engineer. The said commissioners shall thereupon prepare and certify to the state engineer in triplicate rolls which shall contain:

Assessment
rolls.

(1) A description of each tract assessed held in separate ownership by legal subdivisions, governmental surveys, or other boundaries sufficient to identify the same;

(2) The number of acres in each tract;

(3) The name and address of the owner of each tract, if known, and if unknown, that fact, but no mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid;

(4) The rate per acre of such assessment upon said tract;

(5) The total amount of the assessment as computed;

(6) Any other statement which may be required by the state engineer and as to which notice is given in writing to the commissioners at the time of transmitting the plans and specifications and costs of the work for the district before-mentioned.

The rolls shall be separately made for lands lying within different counties contained within said district. Said rolls when completed shall be accompanied by the written report of the commissioners wherein is set out with particularity the exact nature and quantum of the benefits so assessed, both in respect of the right in and to stored surplus waters, and the right to store water in the reservoir or reservoirs of the district, apportioned and allocated to each such tract of land in said district and also through any drainage or reclamation work connected therewith. In such report lands embraced within a comprehensive area or a political subdivision of the state may be referred to generally as lands lying within such area or subdivision without further description.

In the event of the conveyance of a part of a tract of land in said district and in the absence of any provision in the instrument conveying the same, said lands so conveyed shall be deemed to share ratably in the benefits apportioned to the entire tract.

Adjustment
board to
equalize
assessments.

Said rolls when completed shall be duly certified by said commissioners and forthwith by them filed in the office of the state engineer. Thereafter the executive directors and the president of the board of directors of the water storage district in which the lands described in said rolls are situated shall become and constitute a board, in the nature of a board of equalization, which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections, if any, presented as herein provided to the assessment made by said commissioners. For that purpose said adjustment board shall at once organize by the election from its members of a president and a secretary and shall thereupon appoint times and places not less than thirty days after said rolls have been filed when and where it will meet within each county wherein lands of said district are situated for the

purpose of hearing objections to said assessments, and notice of such hearing shall be published at least once a week for two successive weeks in each county in which any land within said district may be situate. Said objections, if any, must be in writing verified and filed with the state engineer, and shall set forth the grounds of such objections. Such verification shall be made by the affidavit of the objector or some other person who is familiar with the facts. Said adjustment board may postpone such hearings from time to time. At such hearings the adjustment board shall hear such evidence as may be offered touching the correctness of such assessment, and may modify, amend, or approve the said assessment in any particular and may reapportion the whole or any part thereof: *provided, however*, that no assessment shall be increased except after *personal notice or notice by registered mail given to the owner if known, or if unknown by publication at least once a week for two successive weeks in the county in which such land in the district may be located, and upon a hearing of objections thereto if made.*

Said adjustment board, after said hearings, must make an order approving such assessment as finally fixed or modified. which order shall be filed with and entered in the records of the state engineer, and the apportionment and determination of said adjustment board shall be final and conclusive, and no action or defense shall ever be maintained attacking the same in any respect. Two copies of said assessment roll as finally fixed and approved by the adjustment board shall be forthwith certified by the secretary of such adjustment board and transmitted to the board of directors of the said district, who shall file one copy in their records and thereupon immediately transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county, together with a copy of the order of approval of such assessment roll by said adjustment board. Thereafter said assessment roll shall be conclusive evidence before any court or tribunal that said assessment has been made and levied according to law.

When the board of directors shall file with the county treasurer of a county within such district the said assessment list or roll as finally approved as hereinbefore provided the charges assessed thereby upon the several tracts of land within the county shall constitute a lien thereon which shall be prior to all other liens except state, county, and municipal taxes, and assessments or taxes levied or assessed by or under statutory authority, and shall impart notice thereof to all persons. Where bonds of such district have been issued upon any such assessment no act or conduct on the part of such board of directors, or any officer herein mentioned, shall invalidate any such assessment after the same shall have become a lien in the manner herein provided.

Sec. 20. The assessment list of each county must remain open for payment in full in the office of the county treasurer

Order
approving
assessment.

Charges a
lien.

Payment of
assessment

of the respective counties within the district for a period of thirty days; and during the time they so remain any person may pay the amount of the charge assessed against any tract of land to the county treasurer in gold coin of the United States or in warrants of the district drawn by the state engineer or the board of directors, or the proper officers thereof.

Interest on unpaid assessments.

SEC. 21. At the end of thirty days the treasurer must make return to the board of directors of the district of all assessments paid. All unpaid assessments shall bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected when and as called, and paid to the treasurer of the county or counties, who shall collect and hold such moneys to the credit of the district. Unless bonds shall have been authorized as hereinafter provided, all such payments shall be made in such amounts or installments and at such times respectively as the said board, from time to time, in its discretion, by order entered in its minutes, may direct. Upon making any order fixing and calling such installment or amount, the secretary shall also enter in the minutes of the board, and certify to each county treasurer for signature and mailing or publication in the counties in which any lands within the district are situated a notice in substantially the following form:

Order fixing amount and time of assessment.

Name: (name) water storage district.

(Location of the principal place of business.) Notice is hereby given that, at a meeting of the board of directors held on _____ an installment of _____ per cent of assessment number _____ was ordered paid within sixty days from the date thereof to the respective county treasurers of the counties wherein lands of such district are situate. Any installment which shall remain unpaid on the (day fixed) will be delinquent, together with the accrued interest thereon, with twenty per cent of such installment and interest added as penalty.

(Signed) _____
Treasurer of _____ county.

Such notice must be sent through the mail, addressed to each owner of land in the district at his place of residence if known or entered upon the assessment roll of the district, and if not known, at the place where the principal office of the district is situated, or in lieu thereof such notice shall be published once a week for two successive weeks in each such county.

Assessment becomes delinquent when.

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order then the whole remaining uncalled portion of said assessment shall become delinquent, together with the accrued interest thereon and a penalty of twenty per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Immediately after the said installment has become delinquent the said county treasurer or county treasurers must publish once a week for two successive weeks in each county wherein lands of the district are situate, in one notice a list of all delinquencies in such county, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount then due on said property, and a notice that the property assessed will be sold on the date therein stated in front of the courthouse of said county to pay the amount then due on said property. The date of said sale shall not be less than ten days after the date of the last publication of said notice. At the time stated in said notice, or such other time to which said sale may have been postponed, the county treasurer must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the county treasurer must deposit the amount due on said property as shown in said notice to the proper fund of the said district. The county treasurer must pay to the owner of said property any surplus remaining after said deposit to the credit of the district, after first deducting any expense of sale. Except where bonds have been issued upon an assessment the board of directors may direct the county treasurer to postpone said sale from time to time for not less than ten nor more than thirty days at one time, by a written notice posted at the place of sale.

Notice of
sale of
property for
delinquent
assessments.

If no bid is made for said property equal to the amount due thereon, it must be struck off to the district for the said amount so due. A certificate of such sale shall be executed by the county treasurer to the purchaser, or to the district if the property shall have been struck off to the district, and this certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount for which the said property was sold, and interest on the said sum at the rate of two per cent per month from the date of said sale, which amount shall be credited to the proper fund of said district.

Certificate
of sale.

Redemption.

If no redemption shall be made within said one year, the purchaser or the district, if the property shall have been sold to the district, shall be entitled to a deed executed by the county treasurer or his successor in office, and the effect of such deed shall be to convey said property free and clear of all liens and incumbrances, except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority and any subsequent district assessment. The board of directors may sell such property sold to the district at any time at public auction after notice given for the same period and in the same manner as is herein provided for

Deed to
purchaser.

sale of delinquent assessments, but not for a sum less than the amount for which said property was sold, with interest at seven per cent per annum, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances except as hereinabove provided for said deed by the county treasurer.

Supple-
mentary
assessment.

SEC. 22. Thereafter, whenever in the opinion of the board of directors of the district, it shall be necessary to raise any sum for the maintenance, repair, or operation of works of the said district, or for the management and conduct thereof, the said board shall make an order, which order shall be entered in the minutes of the board and shall recite the total amount necessary to be raised, and shall fix a rate designating the number of dollars or cents to be levied on each one hundred dollars of the original assessment theretofore made by the commissioners. Thereafter the board shall complete said assessment by inserting upon supplementary assessment rolls the total amount assessed against each respective tract or parcel of land to be assessed. The supplemental assessment roll herein provided for shall be filed with the county treasurer of each county of said district wherein lands of such district are situate, and thereafter collected in the same manner provided for the collection of the original assessment. The board of directors may call the whole or any part of such supplementary assessment in one installment, or may call the same in several installments.

The said report of the commissioners allocating the assessment levied for the purposes of the construction and maintenance of the original project, after having been approved and filed for record in each county as aforesaid, shall continue in force as the basis for apportioning and allocating subsequent assessments for construction, maintenance, repair, or operation of the works of the project, and for the incidental expenses of conducting the said district. All provisions of this act, with respect to the levy and collection of assessments, shall be applicable to such supplemental assessments.

Special
assessment.

SEC. 23. In the event that the original assessment is insufficient to provide for the completion of the project or if the board of directors of the district should determine that it is for the best interests of the land owners in the district to acquire property or construct works in connection with said project which are not contemplated and covered by the original plans and estimates herein provided for, the board of directors is authorized to levy and collect a special and additional assessment in the manner and proportions herein provided for other assessments sufficient to complete the project or to acquire the property or construct the works desired unless the estimated cost of such completion of the project or acquisition of property or construction of works shall in the aggregate exceed ten per cent of the estimated cost of the original project and in that event a statement of the work necessary to be done to complete the project and the estimated

If cost is
over ten per
cent of
original
project.

cost thereof or descriptions of such property to be so acquired, or additional plans and specifications of such works, as the case may be, shall be prepared by the board of directors and filed with the state engineer and thereafter the board of directors shall call a special election, to be held within said district, at which shall be submitted to the owners of assessed lands in the district the question whether or not the said property shall be acquired or the additional works shall be constructed in accordance with the plans so prepared as the case may be. If a majority of the votes cast shall be in favor of acquiring the property or constructing the works the board of directors shall proceed to levy and collect an assessment covering the cost thereof in the manner and proportions herein provided for other assessments. Such election shall be conducted, save and except as in this section otherwise specifically provided, in accordance with the provisions of this act relating to other elections in the district.

Special election.

SEC. 24. Whenever in any water storage district any assessment has been levied and assessed upon the lands of said district and remains unpaid in whole or in part, and, in the judgment and opinion of the board of directors of said district, it shall be for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the proposed project, the indebtedness of the district, or any other lawful charge, or when a petition signed by the owners of more than one-fourth of the total acreage of the assessed land in the district requesting it is filed with the secretary of said board, the board of directors of such district shall by order entered upon the records of said board order a special election to be held in said district, at which special election shall be submitted to the owners of assessed land in said district the question whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of directors in its records and stated by them in the order for such special election.

Bond election.

The notice of such special election must state in addition to other statements required to be made therein, the aggregate face value of bonds proposed to be issued. Only owners of lands which have been assessed as provided herein shall be qualified to vote at such election. Such election shall be conducted, save and except as in this section otherwise specifically provided, in accordance with the provisions of this act relating to other elections in the district.

Qualification of voters.

The ballots cast at such election shall contain the words "Bonds—Yes," or the words "Bonds—No," and also the name of the person casting the ballot, with the number of votes cast by him. A list of the ballots cast shall be made by the board of election containing the names of each voter, and if the ballot be cast by proxy also the name of the person

Ballots.

Canvass
of vote.

casting it, and the number of votes cast by each, and whether the same be cast for or against the issuing of the bonds. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall deliver a certificate showing such result and the number of votes cast for and against the issuing of such bonds to the county clerk of the county, and shall deliver a duplicate thereof to the board of directors of the district, and shall also deliver to the said county clerk all ballots cast at such election within said county and all documents and papers used at such election, and except as in this section specifically provided the provisions of this act with reference to all matters pertaining to elections shall govern and control. The county clerks of the respective counties shall immediately upon receipt of the ballots, papers, and documents from the board of election certify to the board of directors at its office a statement of the result of said election held in each of said counties, with a statement of the number of votes for and in favor of the proposition of "Bonds—Yes" and opposed "Bonds—No." The board of directors shall thereupon in a certificate in writing recorded in their minutes declare that the proposal to issue bonds has carried or has been defeated, and stating therein the vote cast throughout the entire district, and a duplicate of such certificate shall be immediately transmitted to the state engineer.

Issuance
of bonds.

If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of directors of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list segregated as to counties within said district, to the treasurer of said district. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of directors of the district and attested by the treasurer of said district, and shall be numbered consecutively in the order of their maturity, and shall bear interest at a rate not to exceed six and one-half per cent per annum payable semi-annually on the first day of January and the first day of July in each year at the office of said treasurer, and at any other place within the United States which may be designated by said board, upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the treasurer of said district. The principal of said bonds shall be made payable on the first day of July, or the first day of January, and in such years as the directors may prescribe. Said bonds shall be payable serially within thirty years from their date in the manner following, to wit:

Interest.

Serial
payment.

(1) Not less than ten per centum of the aggregate face value of such bonds issued shall be payable within ten years from their date;

(2) Not less than four and one-half per centum of the aggregate face value of such bonds remaining unpaid at the

end of ten years shall be payable each year beginning with the eleventh year from their date, until the whole amount of said bonds has been paid.

Said bonds shall be substantially in the following form: Form of bonds.

United States of America

State of California.

(Name) water storage district.

No.----- \$-----

(Name) water storage district for value received hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said district, at (place) in the State of California, on the first day of -----, the sum of \$----- in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of-----per cent per annum, payable at the office of said treasurer, or at (other designated places), semiannually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of ----- bonds of like tenor and effect (except as to denomination and maturity), numbered from -----to-----inclusive, amounting in the aggregate to-----dollars, issued in accordance with the provisions of an act known as "California water storage district act," duly passed and adopted (stating when) and of the laws of the State of California, pursuant to an election held in said water storage district on the-----day of-----, authorizing its issuance, and based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurers of the county (or counties) of ----- on the ----- day of -----, -----, and the said water storage district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of water storage district bonds.

In testimony whereof, the said district, by its board of directors, has caused this bond to be signed by the president of said board and attested by the treasurer of said district, with the official seal of said district affixed this ----- day of -----.

President of said board.

Attest:-----

Treasurer.

Form of interest coupons.

And the interest coupons may be substantially in the following form:

No.----- \$-----

The treasurer of (name) water storage district, California, will pay to the holder hereof on the-----day of-----, -----, at his office at (place in the State of California, or at designated places), the sum of \$-----, in gold coin of the United States, out of the funds of (name) water storage district for interest on bond of said district numbered-----

Treasurer.

Sale of bonds.

Notice.

Action to determine legality of bonds.

The treasurer of said district shall place the bonds prepared pursuant to this act to the credit of the district. Thereafter when directed by resolution of the board of directors of the district, the treasurer shall sell the whole or any designated number of said bonds for the best price obtainable, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the said treasurer by publication at least once a week for two successive weeks in the county in which the office of said district is located, that he will sell a specified amount of said bonds, and stating the day, hour, and place of such sale, and asking sealed proposals for the purchase of said bonds, or any part thereof. At the time appointed said treasurer shall open the bids and award the bonds to the highest responsible bidder. The treasurer upon written request of a majority of the directors must reject any or all bids. Any sale by the treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the treasuries of the respective counties in which land included in the district is situate to the amount of the unpaid assessment in each county and credited to the bond fund of the district, and a proper record of such transaction shall be made upon the books of said treasurer. At any time within thirty days after the issue of any bonds as the result of such election an action may be commenced in the superior court of any said counties by the board of directors of said water storage district in the name of the district as plaintiff, and the defendants shall be described as "all persons claiming any interest in any lands within the said (name) water storage district," to have it determined that said bonds are a legal obligation of such water conservation district, and in the event no such action is brought then the same may be commenced by any land owner in the district within thirty days after the expiration of the period within which said action might have been brought by the board of directors. It shall be sufficient to describe said lands as all lands in the district (naming it)

without a more specific description. The summons shall be published once a week for two successive weeks in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district or any person interested may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after the entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein, and all owners thereof and other interested persons.

All moneys collected by a county treasurer upon any assessment upon which bonds shall have been issued, including all moneys derived from sale of land for delinquent installments, or from redemption thereof, or from sale of lands bought by such treasurer at any such sale as trustee of the bond fund of the district, shall be by such treasurer forthwith paid into the county treasury of the county from which the same arose to the credit of the bond fund of such water storage district, and shall be used exclusively for the payment of principal and interest of said bonds issued on such assessment.

Moneys
credited to
bond fund.

Whenever the board of directors shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of a water storage district organized under this act, including any bonds of such district authorized but not sold, shall be made available for the purpose provided for in section seven of an act of the legislature of the State of California entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies, and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended, the said board of directors shall thereupon file a certified copy of such resolution with the commission created by, and provided for in, said act of June 13, 1913, which commission, and the state controller in connection therewith, are hereby given the same power and authority in respect of the investigation and certification of bonds issued under this act as is given to them in respect of the investigation and certification of irrigation district bonds by said act, as amended, except as the same may be limited by, or inconsistent with, any provision of this act, and bonds of water

Certification
of bonds as
legal invest-
ments.

storage districts provided for in this act which have been so investigated and certified and by authority of such investigation and certification are declared to be legal investments for the purposes stated in said act of June 13, 1913, as amended, may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators, and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan; *provided, however*, that where said irrigation district bond commission has passed upon one issue of bonds of districts formed hereunder, that all subsequent issues of said districts shall be submitted to said commission as in said act provided.

Supple-
mentary
assessment
to pay
principal
and interest.

The lien of any unpaid assessment upon which bonds shall have been issued shall continue until all said bonds shall have been paid in full, and if for any reason any part of the principal or interest of said bonds shall remain unpaid after enforcement of said assessment as in this act provided, the board of directors shall order an additional or supplemental assessment to be made as provided in this act sufficient to pay such unpaid principal and interest; which additional or supplemental assessment shall be enforced and collected in the same manner as the original assessment.

Maturity of
additional
bonds.

If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities thereof shall not exceed forty years and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series. All provisions of this section relative to the original issue of bonds shall apply to such additional series of bonds.

Upon a sale of any of the bonds provided herein the treasurer of the district is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon.

Interest on
unpaid
assessments.

Where bonds of the district have been authorized to be issued on such assessments all unpaid assessments shall bear interest at the rate of seven per cent per annum from the date of the bonds issued thereon until such bonds shall have been fully paid and discharged, and the interest due at any time on said unpaid assessments may be called without calling any installment of the said assessment. The word installment as used in this section shall be construed as applying to interest as well as to principal as the case may be.

Notice of
assessment
to pay
interest.

At least ninety days before any interest date of the bonds, the treasurer of the district shall certify to the county treasurer of each county in which lands of the district are situated an estimate of the amount of money and the percentage of the

assessment together with interest thereon, or only of the interest, necessary to pay interest and principal or the interest maturing on such interest date after crediting thereon the funds in the treasury applicable to the payment thereof to be collected by such county treasurer, and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies, and each said county treasurer shall thereupon cause to be published, once a week for two successive weeks in the county of which he is county treasurer, a notice substantially in the following form:

(Name of water storage district.) Notice is hereby given that an installment of assessment (describing it) of (amount or proportion thereof including interest thereon or only for interest) is payable within thirty days from date by all assessed landowners of said district in the county of (name of county) to the treasurer of said county. All or any part of said installment of interest which remains unpaid on the (day fixed) will be delinquent, together with accrued interest thereon, with twenty per cent of such installment and interest added as penalty.

Dated:-----

(Signed)-----
 Treasurer of-----county.

If no newspaper is published in said county, such publication shall be made in a newspaper published in an adjoining county. If any part of such installment or any interest thereon shall remain unpaid at the expiration of thirty days from the date of said notice, it shall become delinquent and twenty per cent of the unpaid amount of said installment and interest shall be added thereto and collected by said county treasurer. When any installment shall have become delinquent, said treasurer shall, within ten days, publish in said county once a week for two successive weeks a notice containing a description of each parcel of land assessed in the district in said county wherein such installment is delinquent, as such description appears on the assessment list, the name of the person to whom it is assessed, to unknown owners, if such is the fact: the amount of the installment delinquent on such parcel, the amount of interest thereon reckoned to the day of sale, the amount of said twenty per cent penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said county, at a specified day and hour, which shall not be less than thirty nor more than sixty days from the date of delinquency, to pay said delinquent installment, with said accrued interest and penalty. At the time stated in said notice, the county treasurer shall sell each parcel of land described in said notice to the highest bidder, unless prior thereto he shall have received payment in full of said delinquent installment, together with interest and penalty. No bid for any parcel shall be accepted less than the aggregate sum then due on

Delinquent assessments.

Sale of land to pay interest.

said installment thereon with interest and penalty, and such sale shall be made for cash, except the treasurer may receive from any purchaser at their face value in lieu of cash bonds of said district or their interest coupons, issued on said assessment and then matured or to mature within sixty days after such sale. Any bond or coupon so received in payment shall be by the county treasurer forthwith canceled and filed in the office of the treasurer of said district. If the entire amount of such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the county treasurer shall endorse thereon as paid the amount of such purchase money credited thereon. If no bid is made for any parcel at such sale equal to the amount of the installment delinquent thereon, with interest and penalty, the county treasurer shall bid in and sell said parcel to himself and his successors in office, as trustee of the bond fund of said district, as purchaser, for the amount of said installment, interest, and penalty. The county treasurer shall execute to each purchaser, including himself as trustee a certificate of sale, and shall record a duplicate in the county recorder's office. Any person interested in the said property may redeem the same at any time within one year after the date of sale by paying to the county treasurer for such purpose a sum equal to the purchase price stated in the certificate, with interest thereon at the rate of twelve per cent per annum from the date of sale to such redemption. If no redemption shall be made within one year, the said county treasurer upon demand and surrender of such certificate of purchase, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances, except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority, and any subsequent water storage district assessment remaining unpaid at the date of said sale each installment whereof may be called and collected as herein provided, except that no parcel sold and conveyed to the district shall thereafter be subject to sale by the county treasurer for delinquent installments. Every deed by a county treasurer purporting to be executed under this section shall be prima facie evidence of the truth of the matters therein recited, and of ownership by the grantee of the lands therein described. The county treasurer of each county shall credit to the bond fund of the district all moneys collected by him by sale or otherwise, upon assessments against which bonds shall have been issued, including interest and penalties, and he shall likewise credit to said fund the amounts of purchase money paid in bonds or coupons on sales made under said assessment. Each county treasurer shall charge to the general fund of the district, or to the bond fund if he has no money to the credit of the general fund, the expense of publication of notices and

Redemption.

Deed to purchaser.

Crediting of moneys.

of recording certificates of sale, and shall notify the treasurer of the district thereof. The county treasurer shall transmit to the treasurer of the district all canceled bonds and coupons received in payment on any delinquent sale, and a memorandum of all sums endorsed as paid upon account of purchase money on any bonds or coupons, specifying the same. All moneys collected by any county treasurer upon account of an assessment on which bonds shall not have been issued shall be similarly accounted for to the treasurer of the district, and shall be credited to the general fund of the district. Any parcel of land bid in and purchased by any county treasurer as aforesaid, as trustee of the bond fund of the district, may be sold and conveyed by him or his successor in office at any time after the expiration of said redemption period of one year, at public or private sale and with or without notice, to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly, from the date of said delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Such payment may be made either in cash or in matured bonds and coupons issued on said assessment, taken at their face value, and such treasurer shall execute a deed to such purchaser upon such sale, conveying said property free of encumbrances, except as hereinbefore provided for deeds where no redemption is made. If any land so held by a county treasurer as trustee of the bond fund of a district shall remain unsold after the final installment of the assessment shall have been collected by payment or sale, then each such treasurer shall sell all said land so held by him at public auction to the highest bidder for cash, upon once a week for two weeks published notice in said county, and shall deposit the proceeds of such sale in the treasury of the county to the credit of the bond fund of the district. Any balance remaining in such bond fund, after payment in full of the principal and interest of all outstanding bonds of the district, shall be by the treasurer transferred to the general fund of the district. The county treasurer of each of the several counties shall report all transactions of delinquencies and sales to the treasurer of the district who shall keep a record thereof in the office of the district.

Sale after
expiration
of redemp-
tion period.

Sale at
public
auction.

SEC. 25. The board of directors shall have the power and it shall be its duty to manage and conduct the business and affairs of the district; to adopt a seal; to make and execute all necessary contracts; to employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents shall have the right to enter upon any lands to make surveys, locate works, or for any other necessary and lawful purpose. The board shall have the power to construct, maintain, improve, and operate the necessary dams, reservoirs, canals, and works for the storage and dis-

Powers and
duties of
board of
directors.

Powers and
duties of
board of
directors.

tribution of water, and any drainage or reclamation works connected therewith, and to provide for the generation and distribution of hydro-electric energy incidental to such storage and distribution and shall have the power to sell, distribute, or otherwise dispose of, such water, water rights, and hydro-electric energy. The board shall also have the right to acquire by purchase, lease, contract, or other legal means, all lands, waters, water rights, or any use thereof or interest therein, and any other property or rights by it deemed necessary for the construction, maintenance, improvement, and operation of the works or the carrying out of the project of the district, whether the same be in this or another state or foreign nation, including the property and rights of private owners, and stocks of other corporations domestic or foreign, and may give in payment therefor bonds of such district upon such terms and conditions as the board of directors may deem best; *provided, however*, that no bonds shall be so used at a valuation less than ninety per cent of the face value of the same and the accrued interest thereon. Said board may also enter into, and do any acts necessary or proper for the performance of, any agreement with the United States or with any state, county, district, public corporation, or municipality of any kind, for a purpose appertaining to or beneficial to the project of the district, and may acquire the right to store water in any reservoir, or to carry water through any canal, ditch or conduit within or without this state not owned or controlled by the district and may grant to the owner or lessee of a right to the use of any water permission to store such water in any reservoir of the district or to carry such water through any canal, ditch, or conduit of the district. The said board is hereby authorized and empowered to take conveyances, leases, contracts, or other assurances for all property acquired by it under the provisions of this act, in the name of such district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges, and immunities created by this act or acquired in pursuance thereof. All contracts and other documents executed by the board shall be signed by the president and by the secretary. And in all actions, suits, or proceedings, the said board may sue, appear, and defend in person or by attorneys, and in the name of such district. The board of directors shall have power whenever it deems it necessary for its own guidance or for the best interests of the district to submit any question or proposition relating to the construction, maintenance, improvement, or operation of the works or the carrying out of the project of the district, to the qualified voters of the district at any general election or at a special election called for the purpose, which election shall be in all

respects conducted as is provided for other elections in the district. The said board shall have power generally to perform all such acts as may be necessary to fully carry out the purposes of this act.

SEC. 26. The board of directors shall have the right and power to acquire by condemnation all lands, waters, water rights, or any use thereof or interest therein, and any other property or rights by it deemed necessary for the construction, maintenance, improvement, and operation of the works, or the carrying out of the project of the district. In case of condemnation proceedings the board shall proceed in the name of the district under the provisions of section fourteen of article one as amended of the constitution of the State of California, and title seven, part three of the Code of Civil Procedure of California and all pleadings, proceedings, and process in said title provided shall be applicable to the condemnation proceeding hereunder. Condemnation proceedings.

SEC. 27. The board of directors shall proceed to carry out the project of the district in accordance with the plans and specifications of the duly approved and adopted report of said board. Before making any contract for the construction of any works in carrying out said project, or for the subsequent maintenance, improvement, or operation thereof, said board shall advertise for bids. When such work is to be done said board shall give notice by publication thereof in the county in which the office of the board is located once a week for four successive weeks, calling for bids for the same. If less than the whole work provided for in said plans and specifications is to be done and advertised, the portion to be done must be particularly described in such notice. Said notice shall set forth that plans and specifications of the work to be done can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed shall be opened in public; and as convenient thereafter the board shall let said work either in portions or as a whole, to the lowest responsible bidder; or it may reject any or all bids and re-advertise for proposals or may proceed to construct the work under its own superintendence; *provided*, that in case of emergency or urgent necessity the board of directors, by unanimous vote of those present at any regular or special meeting, may award contracts without advertising for bids, but the amount of any contract so awarded shall not exceed ten thousand dollars. Contracts for the purchase of materials only shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the full and faithful performance of said contract. The work shall be done Bids for construction of works. Contractor's bond.

under the direction and to the satisfaction of, and be approved by the board.

Warrants
to pay
claims.

SEC. 28. All claims against the district shall be paid by warrants of said district. To provide a fund for that purpose the board of directors may from time to time draw from the general fund deposited and kept to the credit of the district in the office of the county treasurer of a county having funds belonging to the district in his possession sums aggregating not more than twenty-five thousand dollars, which said sum shall be deposited with the treasurer of the district and paid out by him upon warrants of the district, and he shall report to the board of directors in writing at its regular meeting in each month the amount of money in the district treasury and the amount of receipts and the amount and items of expenditures for the month preceding, which said report shall be verified and filed with the secretary of the board.

Progress
report.

SEC. 29. During the construction of any works in carrying out the project of any water storage district the board of directors of such district shall, within one week after each regular meeting of said board, forward to the state engineer a report of the progress of such construction together with a statement of the amount, or amounts, paid for the doing of such work. The board of directors at their regular monthly meeting in January of each year shall render and immediately thereafter cause to be published in the county where the office of said board is situated at least once a week for two successive weeks a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Immediately after the publication of said statement the board of directors shall cause a copy thereof accompanied by a report, stating the progress of the work under construction and the general condition of the project and whether or not the same is being successfully and satisfactorily carried out, and any other matter which the board may deem proper, to be filed with the state engineer, who shall examine said statement and report and make to the board of directors such recommendations and comments as he may deem proper and may publish said recommendations and comments in such manner as may be deemed advisable. Said state engineer may at any time make or cause to be made an examination of the affairs of any water storage district within the state or call upon the board of directors of such district for such information as he may desire, and may make and publish such report thereon as he may deem advisable.

Statement of
financial
condition.

Right to
cross
highway,
etc.

SEC. 30. The board of directors shall have power to construct the said works across or intersecting any stream of water, water-course, street, avenue, highway, railway, canal, ditch, or flume, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be,

or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of said property, thing, or franchise to be so crossed, can not agree upon the amount to be paid therefor, or the points or the matter of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart for the location, construction, and maintenance of said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

SEC. 31. The members of the board of directors when sitting as a board or acting under the orders of the board, shall each receive not to exceed ten dollars per day and ten cents per mile for each mile actually traveled from his place of residence to the office of the board, and actual and necessary expenses paid while engaged in official business under the order of the board. The board shall fix the compensation to be paid to all other officers and employees named in this act, to be paid out of the treasury of the district, except as herein otherwise provided.

Compensation of officers and employees.

SEC. 32. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Officers not to be interested in contract.

SEC. 33. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such provisions shall be and remain absolutely void; *provided*, that nothing contained in this section shall be construed as limiting the right of the board to enter into any contract for the use of or lease for any lands, water, water rights, or other property, as in this act provided, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract.

Limit on right to incur liability.

SEC. 34. In the event the volume of the water under the control of the district is so diminished that the distribution thereof in accordance with the apportionment of such water as finally made and approved by the adjustment board as

Distribution of water when volume diminished.

prescribed in section nineteen of this act, will not, in the judgment of the board of directors, result in an economical, efficient, and beneficial use of such water, said board shall have the power to distribute in a just and equitable manner the water available, in such manner, at and for such times, and in such quantities as, in the judgment of said board, will best promote the interests of said district.

Election
precincts.

SEC. 35. The board of directors of a water storage district shall establish a convenient number of election precincts in the district and define the boundaries thereof and at least one such precinct must be established for each division of the district, and said board whenever it is deemed advisable for the best interests of the district and the convenience of the voters may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of any such election precinct, which changes when made must be entered upon the minutes of the board.

Qualifica-
tions for
voting.

SEC. 36. No person shall be entitled to vote at a general election unless he holds title or evidence of title to land in such district, and any holder of land under a possessory right acquired by entry or purchase from the United States or the State of California shall be deemed to be a holder of evidence of title to land, and each qualified voter shall be entitled to vote in person or by written proxy in each precinct in which he is such holder of title or evidence of title to land and to cast one vote for each one hundred dollars worth, or any fraction thereof, of any land in said precinct owned by him. No person shall vote by proxy unless his authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property and filed with the board of election.

General
water
storage
district
election.

SEC. 37. An election, which shall be known as the general water storage district election, shall be held in each water storage district on the first Wednesday in February in each odd-numbered year, at which a successor shall be chosen to each officer whose term shall expire in March next thereafter. The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The term of office of each elective officer of the district elected after the election on organization provided for in section seven of this act shall be four years, or until his successor is elected and has qualified.

Notice of
election.

SEC. 38. Twenty days before a general election held under this act, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board specifying the polling places of each precinct. Affidavits of the publication and posting of such notice must be filed with the county clerk of each county in the district, together with a copy of the order calling the election certified by the president of the board of directors, and duplicates filed

with the board of directors. Prior to the time for posting the notices, the board must appoint for each precinct, from the voters thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the voters of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the place within the precinct where the election must be held. Boards of election.

SEC. 39. Not less than ten days before the election, any ten or more qualified voters in any division of the district may file with the board of directors a petition, requesting that certain persons, specified in such petition, be placed on the ballot as candidates for the office named in the petition. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots. But there shall be sufficient blank spaces left in which voters may write other names if they so desire. The petitions shall be preserved in the office of the secretary of the district. Nomination of candidates.

SEC. 40. The inspector is chairman of the election board and may administer all oaths required in the process of an election; and appoint judges if, during the progress of the election, any judge ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon him by law. Any voter of the precinct may administer and certify such oath. The polls must be opened at eight a. m. on the morning of the election, and be kept open until four p. m., when the same must be closed. Oaths of election officers.

SEC. 41. The ballot used at the election shall be provided by the board of directors, and one of the judges of election shall deliver to each of the qualified voters one of the ballots so provided. The ballots shall have printed on them the names of all candidates whose names have been filed as provided in this act, with a voting square behind each name; *provided*, that the ballots in each division of the district shall have on them names of persons to be voted for as director to represent that division only, and no director shall be elected by the district at large. The names shall be arranged in groups, alphabetically, under the designation of the office for which each person named is a candidate. Each voter shall stamp a cross, with a rubber stamp to be provided by the board of directors, in the square behind the name of each candidate he wishes to vote for. Each ballot cast shall contain the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election containing the names of each voter, and if the ballot be cast by proxy the name of the person casting Ballots.

it, the number of votes cast by each, and whether the same be cast for or against the proposition submitted at the election.

Manner
of voting.

SEC. 42. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted as nearly as practicable in accordance with the provisions of the general election laws of this state. As soon as all votes are counted, a certificate shall be drawn upon each of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by a judge and the inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the judges; and said ballots, together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and indorsed "Election returns of (naming the precinct) precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months; and if any qualified voter of the district be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted. No list, tally paper, or certificate returned from any election shall be set aside or rejected for want of form, if it can be satisfactorily understood.

Recount.

Canvass
of returns.

SEC. 43. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and ascertaining the vote of the district for each person voted for, and declaring the result thereof.

Statement
of results.

SEC. 44. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show: (a) the whole number of votes cast in the district, and in each division of the district; (b) the names of the persons voted for;

(c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director, and the number of votes given in the district for the office of treasurer. The board of directors must declare elected as director the person having the highest number of votes for that office in each division, and as treasurer the person having the highest number of votes in the district. The secretary must immediately make out and deliver to such persons certificates of election, signed by him, and authenticated with the seal of the board. Certificates of election.

In case of a vacancy in the office of treasurer, the vacancy shall be filled by appointment of the board of directors; *provided*, that if said board of directors shall neglect or refuse to make such appointment within a period of forty days, then the state engineer shall make such appointment. In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the state engineer from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office for the remainder of the unexpired term to fill which he is appointed, and until his successor is elected and qualified. Vacancies

SEC. 45. Within ten days after receiving their certificates of election herein provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. The treasurer of the district shall execute an official bond in the sum of fifty thousand dollars to be approved by the board of directors; *provided*, that the board may, if it shall be deemed advisable, fix the bond of the treasurer to suit the conditions of the district, the maximum amount thereof not to exceed fifty thousand dollars, and the minimum amount thereof not to be less than ten thousand dollars. Each member of the board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by a judge of the superior court and shall be recorded in the office of the county recorder of the county in which the office of the board is situated, and filed with the secretary of said board. All official bonds herein provided for shall be made payable to the proper water conservation district and shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the district; *provided*, that in case any district organized under this act is appointed fiscal agent of the United States or by the United States in connection with any federal reclamation project, each of said officers shall execute a further and additional official bond in such sum as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge of the district of its duties as fiscal or other agent of the United States under any such appointment or authorization, and any such bond may be sued upon by the United Bonds of officers.

States or any person injured by the failure of such officer of the district to fully, promptly, and completely perform their respective duties.

Special
election.

SEC. 46. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of directors of such district, signed by ten per cent of the qualified voters residing within the boundaries of any such district, requesting that a special election be called for the election of such officers, the directors of such district shall thereupon call a special election thereof for the election of such officers, such election to be held within not less than fifteen, nor more than thirty days after the filing of such petition.

Time of
taking
office.

SEC. 47. At noon of the first Tuesday in March next following their election, except as provided in section twelve of this act, the officers who shall have been elected at the preceding general district election shall enter upon the duties of their respective offices. On the first Tuesday in March next following each election, the directors shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board.

Recall of
officers.

SEC. 48. The holder of any elective office of any district may be removed or recalled at any time by the voters; *provided*, he has held his office at least six months. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the secretary of the board of directors of such district, which petition shall be signed by qualified voters constituting at least twenty-five per cent of the highest vote cast within such district for candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected, or, in the case of the removal of the incumbent of an office elected by a subdivision of such district, such petition shall be signed by a like percentage of qualified voters of such subdivision computed upon the total number of votes cast in such subdivision for all candidates for the office, the incumbent of which is sought to be removed, at the last general election in such subdivision at which an incumbent of such office was elected; and said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the voters. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the precinct, and if within a town having named streets and numbered houses, street and number. Each such separate paper shall have attached thereto an affidavit made by a qualified voter of the district and sworn to before an officer competent to administer oaths, stating that

the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified voter of the district. Within ten days from the date of filing such petition, the secretary of the board shall examine and from the records of qualified voters ascertain whether or not said petition is signed by the requisite number of such qualified voters, and he shall attach to said petition his certificate showing the result of said examination. If by the said certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within ten days after such supplementing papers are filed, make like examination of a supplementing petition, and if a certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the board of directors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer: *provided*, that if a general water storage district election is to occur within sixty days from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such district occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the manner prescribed by section thirty-nine of this act.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "yes" and "no" on separate lines, with a blank space at the right of each, in which the voter shall indicate by stamping a cross (X) his vote for or against such recall. On such ballots, under each such ques-

Recall of
officers.

tion, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "no," said incumbent shall continue in said office. If a majority shall vote "yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The election shall be conducted, canvass of all votes for candidates for said office shall be made, and the result declared in like manner as in a regular election within such district. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the vote at any such recall election shall not recall the officer, no further petition for the recall of such officer shall be filed before the expiration of six months from the date of such first recall election.

Conduct of
special
election.

SEC. 49. Notice of any special election to be held pursuant to the provisions of this act must be given by posting notices in three public places in each election precinct in the water conservation district for at least twenty days, and also by publication of said notice once a week for three successive weeks in each county in which any land in said district is located. Such notice must specify the time and place of holding the election and the purpose thereof. Unless otherwise in this act expressly specified said election shall be held and the result thereof determined and declared as nearly as may be in accordance with the provisions of this act relating to general water conservation district elections; *provided*, that no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted.

Contested
election.

SEC. 50. Any election held under the provisions of this act may be contested by any person owning property within the district, or proposed district, liable to assessment. Such contest shall be brought in the superior court of any county in which some portion of the land within the district or proposed district is situated and shall be conducted in the manner provided for contests of election by title two of part three of the Code of Civil Procedure of California, except that in the case of a contest not involving the right of a person declared elected to an office to hold such office the directors of the district shall be made parties to the contest. The court having jurisdiction shall speedily try such contest and determine upon the hearing

whether the election was fairly conducted and in substantial compliance with the requirements of this act and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of the filing of the notice of appeal.

SEC. 51. For all purposes of this act relating to signing petitions and voting at any election, and for all other purposes when the question of title to or value of land claimed to be owned by a petitioner or voter is involved, the county assessment roll last equalized at the time of the election or filing of the petition, in each county wherein any such land is situated shall be sufficient evidence of ownership and value. If any parcel of land is assessed on any such assessment roll to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, said parcel of land shall be deemed for any of the purposes of this act to have but one owner in addition to any owner or owners whose true name or names may be purported to be given on such assessment roll. The holder of title or evidence of title to an undivided interest in any land affected by any of the provisions of this act may sign any petition or vote at any election provided for in this act, and such undivided interest shall be counted and valued as though it were a separate interest, and if the assessment roll shall fail to indicate the extent of any such undivided interest the holders of title or evidence of title whose undivided interests in any land are not specifically defined shall be deemed to have equal shares therein. Where property has been conveyed prior to the election and such change of interest does not appear by such assessment roll the original deed of conveyance, or a copy thereof duly certified by the county recorder of the county wherein the same has been recorded, or otherwise authenticated, shall be sufficient evidence to entitle the holder thereof to vote the acreage therein described. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections. The certificate of the register of the United States land office for the district in which the lands are situated, or of the surveyor general of the State of California, shall be sufficient evidence of possessory right in any lands entered under the laws of the United States or of the State of California. Guardians, personal representatives and other persons holding land in a trust capacity under appointment of court may sign any petition and may vote at any election in behalf of the estate represented by them without obtaining any special authority therefor. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom a petition

Assessment rolls for determining qualifications for voting, etc

was signed, shall be sufficient evidence of the genuineness of such signature and of the fact of place of residence of any petitioner under this act. The state engineer shall, prior to the election on organization, and at all subsequent elections the board of directors shall, cause to be prepared and certified and furnished to the election board at each voting place in the district a copy of each of said assessment rolls so far as the same pertains to any land in the respective precincts, and shall likewise cause to be prepared and furnished to the election boards lists certified by the register of the United States land office or the surveyor general of the State of California, as the case may be, showing the lands entered under the laws of the United States or of the State of California, respectively, which said lists, so far as disclosed by the records of said offices, shall contain the names of the persons entitled to possessory rights therein and the quantity of land held by each of said persons by virtue of said rights. Said assessment rolls and said lists shall be used by the election boards in determining the qualifications of voters and the number of votes each voter is entitled to cast.

Where a tract of land is situated partly within and partly without the boundaries of an election precinct and the assessment roll contains a valuation of said tract as a whole the same must be apportioned according to the number of acres lying within and without the boundaries of said precinct. If there shall be included in any assessment roll or list as furnished to an election board any land which has no valuation assigned to it, then the state engineer or the board of directors, as the case may be, shall request the county assessor of the county in which such land is situated to value said land and it shall be the duty of such county assessor to prepare and furnish to the state engineer or board requesting it a statement of the value of such land as the same shall be appraised by him, which value shall be arrived at as nearly as may be done in the same manner and upon the same basis as was the valuation for purposes of taxation assessed upon other lands in the precinct similarly situated, and the valuation so made by the county assessor shall be furnished to the election board of the precinct in which the land so valued is situated and shall be used by the election board in determining the number of votes which the holder of title or evidence of title to such land is entitled to cast.

Publication
of notices,
etc.

SEC. 52. Whenever any notice or publication, or notice of publication, or official advertising, or publication of process is required to be given or made by the provisions of this act the same, unless otherwise specifically provided in this act, shall be given or made in a newspaper of general circulation as defined by the laws of this state, printed and published in each county in which any of the lands in a water conservation district, or a proposed water conservation district, are situated, and if in any such county or counties there be no

such newspaper then in a newspaper printed and published in an adjoining county.

SEC. 53. The state engineer shall have authority and it shall be his duty to give information, so far as may be practicable, to persons contemplating the organization of a water storage district, and whenever the department of engineering of this state shall deem it in the public interest that preliminary surveys and field investigations of proposed water storage district projects shall be made at the expense of the state the state engineer shall make such surveys and investigation and prepare a report thereof which shall be kept on file in his office.

Information
by state
engineer.

Survey at
cost of state.

SEC. 54. The state engineer and the board of directors of every water storage district shall, respectively, cause to be entered in books to be kept for that purpose a complete and connected record of all their acts and transactions and shall execute all contracts and other written instruments in duplicate, one copy of each of which, together with any other documents, instruments, or other papers filed with them, shall be kept and preserved on file in their respective offices and open to inspection by the public during business hours. Said records and all documents, instruments, or other papers filed as above provided, or a copy or copies of any thereof certified by the state engineer or secretary of the board, shall be received in evidence without further proof in any court of this state, or before any board or tribunal authorized to hear or consider a matter wherein the same shall be properly admissible in evidence.

Record of
trans-
actions.

SEC. 55. The legal title to all property acquired under the provisions of this act shall by operation of law, immediately upon the acquisition thereof, vest in the water storage district by which it is acquired, and shall be held by such district in trust for the uses and purposes set forth in this act, and is hereby dedicated and set apart to said uses and purposes. The board of directors is hereby authorized and empowered to hold, use, manage, occupy, and possess said property and may determine by resolution duly entered upon its minutes, that any property, real or personal, held by the district is not necessary for the uses and purposes thereof and may sell the same for an adequate consideration; and a conveyance or transfer of any of the property of a district executed by the president and secretary of its board of directors in pursuance of a resolution of the board adopted as above provided, shall convey good title to the property.

Management
of
property.

SEC. 56. Warrants drawn by the state engineer shall be signed by him and shall be drawn upon the treasurer of the water storage district. Warrants, drawn by the board of directors shall be signed by its president and secretary and countersigned by its treasurer, and shall be drawn upon the county treasurer of a county having funds belonging to the district in his possession for payment of the principal or interest of bonds, and upon the treasurer of the district or the

Warrants.

county treasurer of such a county, as the case may be, for payment of all other claims and demands.

Interest on
unpaid
warrants.

SEC. 57. Whenever any warrant of the district payable on demand is presented for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment when funds of the district are not available to pay the same, the treasurer of the district or of the county, as the case may be, shall endorse thereon the words "funds not available for payment," with the date of presentation, and shall specify the interest that such warrants shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment, and such warrant is and shall be considered as a contract in writing for the payment of money and the period prescribed for the commencement of an action based upon such warrant is and shall be four years from the date of issuance. Whenever there is sufficient money in the treasury to pay all such outstanding warrants, or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date be paid and there is sufficient money available for such payment, the proper treasurer shall publish a notice once a week for two successive weeks in some newspaper published in the county in which the office of the board of directors is situated, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors as the case may be, and no further description of the warrants entitled to payment need be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the treasurer shall pay it together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication of said notice. The treasurer shall enter in the record hereinbefore required to be kept, the dates of the payment of all such warrants, the names of the persons to whom payments are made, and the amount paid to each person.

Paramount
interest of
state in
water
storage, etc.

SEC. 58. It is hereby declared that the State of California has a paramount interest in the storage, conservation and diversion of water, the prevention of floods, the irrigation, drainage, and reclamation of land and the production of electric energy; and that such storage, conservation, diversion,

irrigation, prevention of floods, reclamation, drainage, and production of electric energy will make productive vast quantities of land that are comparatively unproductive and will increase production, property valuations, and population in the state, make profitable the cultivation of small tracts and promote subdivision of larger tracts, and will promote the welfare and prosperity of all the people. The powers herein conferred upon the state engineer and board of directors are hereby declared to be police and regulatory powers and are necessary to the accomplishment of a purpose that is indispensable to the public interests, and the water storage districts hereunder provided to be formed are districts of the nature of irrigation, reclamation, or drainage districts in respect to all matters contemplated in the provisions of the constitution of the State of California relating to irrigation, reclamation, or drainage. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act and for domestic and other incidental and beneficial uses within such district, together with the rights of way for canals and ditches, sites for reservoirs and all other property required in fully carrying out the provisions of this act is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law. Public use.

SEC. 59. The rights of way, ditches, canals, flumes, pipe lines, dams, water rights, reservoirs, power plants, and transmission lines, and all other property of like character belonging to a water storage district shall not be taxed for state and county or municipal purposes. Exemptions from taxation.

SEC. 60. The court or other board or tribunal having jurisdiction before whom any action, proceeding, or contest in this act provided for is heard shall, when considering the regularity, legality, or correctness thereof, disregard any error, irregularity, or omission which does not affect the substantial rights of the parties concerned. In all such actions, proceedings, or contests the rules of pleading and practice provided by the Code of Civil Procedure of California, in so far as they are not inconsistent with the provisions of this act, shall apply. A motion for a new trial or hearing in such action, proceeding, or contest must be heard and determined within ten days from the filing of the notice of intention. The costs on any such action, proceeding, or contest may be allowed and apportioned between the parties or taxed to the defeated party in the discretion of the court, board, or tribunal before whom the same is heard. No such action, proceeding, or contest shall be commenced other than within the time and manner herein specified, and in the determination thereof all findings of fact or conclusions of the state engineer or the board of directors upon all matters shall be held to be conclusive unless the action, proceeding, or contest was instituted within six months after such findings or conclusions were made. Rules of pleading and practice

SEC. 61. If two or more actions or contests shall be pending at the same time in the same court or before the same Consolidation of actions.

board or tribunal for the purpose of contesting or determining the validity of identical or similar acts or matters under the provisions of this act, said actions or contests shall be consolidated and tried together.

Officer who neglects to perform duty.

SEC. 62. It shall be the duty of the state engineer to ascertain whether the duties relating to the levying and collection of any assessment or assessments provided for in this act have been performed by the proper officer, and if the engineer shall learn that any officer of the district or of any county therein has neglected or refused to perform such duty he shall forthwith notify the district attorney of the county in which the office of the district is located of such failure or neglect, and said district attorney shall, thereupon, after due notice to the official or officials involved, take such proceedings in court as may be necessary to compel the performance of such duty.

Liability of officer.

SEC. 63. For any wilful violation of any express duty in this act provided for on the part of any officer herein named, such officer shall be liable upon his official bond and shall be subject to removal from office by proceeding brought in the superior court of the county in which the office of the board of directors of the district is located, by any assessment payer of the district.

Assessment in year following.

SEC. 64. In the event any land subject to assessment is not assessed or does not appear upon the assessment book of the district for any year, the land so omitted may be assessed in the next or any year following, and the amount of such assessment shall be added to and become a part of the assessment levied upon the land for such subsequent year.

Dissolution of district.

SEC. 65. Any water storage district organized pursuant to the provisions of this act may be dissolved for the same reasons, under the same circumstances, in the same manner, upon the same conditions, and with the same results as is or may be provided by the laws of this state for the dissolution of irrigation districts organized under the laws of California; *provided*, that in case a contract authorized by law has been made between a water storage district and the United States pertaining to the construction, maintenance, or operation of the works of the district, or the delivery or supply of water therefor, no such district shall be dissolved nor shall any proceedings be initiated by a court or otherwise for the purpose of dissolving such district, unless and until the consent in writing of the secretary of the interior to such dissolution or proceedings has first been obtained.

Title of act

SEC. 66. This act shall be known and may be referred to in any action, proceeding, or legislative enactment, as the "California water storage district act."

Constitutionality.

SEC. 67. If any section, subdivision, sentence, clause, or phrase of this act be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the legislature hereby declares that it would have passed this act and each and every other

section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases of this act be declared unconstitutional.

Sec. 68. This act shall take effect from and after its passage and approval. In effect when.

Sec. 69. The California irrigation act, approved June 4, 1915, and all acts amendatory thereof, and all acts and parts of acts inconsistent with any of the provisions of this act, are hereby repealed, but nothing in this act shall be construed as repealing or in anywise modifying the provisions of any other act relating to the subject of irrigation. Repealed.

CHAPTER 915.

An act to reappropriate moneys appropriated by an act entitled "An act appropriating money for building a wing to the trades building at Preston School of Industry," approved June 7, 1913.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act entitled "an act appropriating money for building a wing to the trades building at Preston School of Industry," approved June 7, 1913, is hereby amended to read: Stats. 1913, p. 915, amended.

Section 1. The unexpended balance of any money appropriated by the said act is hereby reappropriated for the joint support and salaries of Preston School of Industry and Whittier State School as it may be apportioned to them by the state board of control. Reappropriation: Preston and Whittier schools.



CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER 1.

*Senate Joint Resolution No. 3—Relating to the protection of
the quicksilver mining industry.*

[Filed with Secretary of State January 14, 1921.]

WHEREAS, Foreign competition is desperately seeking our unprotected markets; and

WHEREAS, Our country is becoming the dumping ground for the convict produced quicksilver of Spain; and

Protection
of
quicksilver
mining
industry.

WHEREAS, The quicksilver industry of California, which is one of the oldest and most distinctive industries of the state, now faces extinction unless such protection is granted as will equalize the price of the convict produced metal, and make it possible for American laborers to compete with this foreign product; and

WHEREAS, At the present date all of the quicksilver mines of California are closed or in the hands of receivers; and

WHEREAS, Quicksilver is a basic metal, essential and indispensable to many industries of this country, both in time of peace and in time of war; now therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby memorialize congress to provide adequate protection to the quicksilver industry of this country so as to equalize the price of that locally produced and the foreign product of convict labor; and be it further

Resolved, That our senators and representatives in congress be, and they are hereby requested, to use all honorable means to secure the adoption of such measures; and be it further

Resolved, That the secretary of the senate be and he is hereby instructed to forward duly certified copies of these resolutions to each of our senators and representatives in congress and to each of the members of the respective committees of mines and mining of the senate and of the ways and means committee of the house of representatives and of the house of representatives of the United States.

CHAPTER 2.

Senate Joint Resolution No. 7—Relative to the protection of the poultry industry.

[Filed with Secretary of State January 14, 1921.]

Protection
of
poultry
industry.

WHEREAS, The poultry industry of California is one of the most important industries of the country and producing annually many millions of dollars; and

WHEREAS, Eggs are being imported in enormous quantities into our local markets; and

WHEREAS, The poultry industry of California now faces a grave menace which can not be avoided unless such protection is granted as will afford an adequate safeguard to the investments of American poultry men; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby memorializes congress to adopt such measures as will afford adequate and proper protection to the poultry industry of this country; and be it further

Resolved, That our senators and representatives in congress be and they are hereby urged and requested to use all honorable means to secure the adoption of such a tariff; and be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to each of our senators and representatives in congress, to each of the members of the ways and means committee of the house of representatives and to the members of the United States tariff commission now meeting at Washington.

CHAPTER 3.

Senate Joint Resolution No. 1—Relative to naturalization and property rights of aliens.

[Filed with Secretary of State January 14, 1921.]

Natural-
ization and
property
rights of
aliens.

WHEREAS, At the general election held on the second day of November, 1920, the people of the State of California, in the exercise of their right reserved under the constitution, by an overwhelming majority, adopted the "alien land law," which, among other things, provides that all aliens ineligible to citizenship under the laws of the United States, may acquire, possess, enjoy and transfer real property or any interest therein in this state in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject and not otherwise; and

WHEREAS, The present treaty of commerce and navigation, between the United States and Japan, proclaimed on the

fifth day of April, 1911, in fixing the rights of the nationals of both contracting parties, provides that—

Natural-
ization and
property
rights of
aliens.

“The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes; and generally, to do anything incident to or necessary for trade, upon the same terms as native citizens or subjects submitting themselves to the laws and regulations there established”; and

WHEREAS, Notwithstanding the aforesaid provision of the treaty limiting the purposes for which the subjects of Japan may enter, travel and reside in the United States, approximately one hundred thousand Japanese are now residing in California, comparatively few of whom are engaged in trade, while the great majority are engaged in agriculture, owning, leasing and farming lands, and now control one-eighth of the entire acreage of rich irrigated lands in the state, as shown by the official report of the state board of control; and

WHEREAS, Japanese, as well as American authorities concede the unassimilability of the two races, and grant that a continuance of existing conditions may develop a racial question and grave international complications out of the present economic problem; and

WHEREAS, The evidence before the house immigration committee, in hearings held on the Pacific coast in July and August, 1920, clearly indicates the impracticability of making homogeneous American citizenship out of the material coming to us from Japan, and the impossibility of a white community holding its own either in increase of numbers or in economic competition against the racial advantages and birth rate of the Japanese; and

WHEREAS, Preliminary negotiations are now pending between the state department at Washington and representatives of the Empire of Japan with a view of entering into a treaty dealing with the subject of immigration; and

WHEREAS, Reports have come to us from our representatives in congress that Japan insists that the proposed treaty shall grant the right of citizenship to the subjects of Japan now in the United States, and shall, in effect, nullify the aforesaid “alien land law”; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California protests against any treaty being made between the United States and Japan whereby the right to citizenship shall be extended to the subjects of Japan; and be it further

Resolved, That any attempt by the treaty-making power of the United States to nullify the aforesaid “alien land law” or to confer upon the subjects of Japan, the right to acquire, own

or possess lands within this state, in violation of our state laws, should be opposed, as destructive of state's rights reserved under the constitution of the United States; and be it further

Resolved, That in any treaty hereafter made by the United States and Japan, said "alien land law" be held inviolate and that the rights of the states of the Union to enact legislation respecting the acquisition and ownership of land by aliens within their respective borders be properly safeguarded; and be it further

Resolved, That in any such treaty, provision be made prohibiting the further immigration of the subjects of Japan to the United States, save and except merchants, students and teachers, their servants and employecs; and be it further

Resolved, That a copy of these resolutions be forthwith dispatched to the President of the United States, the secretary of state of the United States, to each of our senators and representatives in congress and to each member of the committee on foreign relations of the United States senate.

CHAPTER 4.

Senate Concurrent Resolution No. 1—Approving fifteen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general election held therein on the second day of November, 1920.

[Filed with Secretary of State January 21, 1921.]

Sec 1
Francisco
city and
county
charter
amend-
ments.

WHEREAS, The city and county of San Francisco, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, twenty-six certain amendments to the charter of said city and county of San Francisco by the submission of twenty-six proposals, numbered from twenty-three to forty-eight, both inclusive, entitled as follows, to-wit:

AMENDMENT No. 23.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1 of Chapter IV; Section 6 of Chapter V; Section V of Chapter IV; Section 1 of Chapter V; Section I of Chapter VI and Section 7 of Chapter III all said sections being in Article VIII relating to salaries in the Police Department.

San
Francisco
city and
county
charter
amendments.

AMENDMENT No. 24.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section thereto designated as Section 1 $\frac{1}{2}$, Chapter VI, Article VIII, relating to the Police Department.

AMENDMENT No. 25.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, to amend the Charter of said City and County, by amending Sections 1, 2 and 3, of Chapter I, Article VII; Subdivision 9, Section 1, of Chapter III, Article VII; by adding a new subdivision to Section 1 of Chapter III, Article VII, to be designated as Subdivision 13; by amending Section 1 of Chapter IV, Article VII; Sections 1 and 2 of Chapter V, Article VII; and adding two new sections to Chapter V, Article VII, to be designated as Sections 4 and 5, relating to the School Department.

AMENDMENT No. 26.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Chapter III of Article II, to be known as Section 1a, relating to the purchase of annual supplies.

AMENDMENT No. 27.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by adding a new article to said Charter, relating to the establishment of a retiring system for aged and disabled City employees.

AMENDMENT No. 28.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Article XII, Section 9, of the Charter of said City and County, relating to the limit on Municipal Indebtedness.

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Francisco
city and
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amendments.

AMENDMENT No. 29.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XII to be designated Section 10b relating to sale of certain bonds for less than par, and limiting the rate of interest on bonds hereafter authorized.

AMENDMENT No. 30.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Article XII of the Charter of the said City and County by adding thereto a new section to be known and designated as Section 17, pertaining to the mode and procedure for the acquisition of public utilities.

AMENDMENT No. 31.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XII to be designated Section 11a, relating to signature of officials on bonds.

AMENDMENT No. 32.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding twelve new sections to Chapter V of Article VI to be designated as Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, relating to control of the wharves, waterfront and harbor of San Francisco.

AMENDMENT No. 33.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 1 and 2 of Article IV-A, relating to Sealer of Weights and Measures.

AMENDMENT No. 34.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Section 11 of Article XIII of the Charter of the said City and County by adding thereto new subdivisions to be known and designated as subdivisions C and D, relating to abolishing old positions, establishing new positions and appointing the holders thereof without civil service examination.

AMENDMENT No. 35.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending subdivision 20 of Section 1 of Chapter II of Article II, relating to interpreters' compensation.

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AMENDMENT No. 36.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new paragraph to be known as Paragraph 3 to subdivision B of Section 11 of Article XIII.

AMENDMENT No. 37.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, to amend the Charter of said City and County by amending Sections 1, 2 and 3 of Chapter 1, Article VII; Section 1 of Chapter II, Article VII; Section 1, 2, 3 and 4 of Chapter IV, Article VII, and adding a new section to Chapter IV, Article VII, to be designated as Section 7, relating to the School Department.

AMENDMENT No. 38.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XIII, to be known as Section 22, giving to war veterans a preference in Civil Service appointments.

AMENDMENT No. 39.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 11 of Article XIV, relating to taxation for park purposes.

AMENDMENT No. 40.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Chapter VII of Article VII, relating to annual tax levy for library and reading room purposes.

AMENDMENT No. 41.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County of San Francisco by

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amending Section 10, Chapter VII, Article IX, relating to pensions for firemen who were retired under the provisions of the law prior to January 1, 1900.

AMENDMENT No. 42.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to be numbered Section 34 to Chapter II of Article VI, relating to street work.

AMENDMENT No. 43.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Article XIV of the Charter of said City and County by adding thereto a new section to be known and designated as Section 14 pertaining to the extension of Masonic avenue across the Panhandle of the Golden Gate Park.

AMENDMENT No. 44.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Chapter VI of Article VIII to be designated Section 1 4-5, relating to appointment of a Police Photographer and fixing his compensation.

AMENDMENT No. 45.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 15 of Section 1 of Chapter II of Article II of the Charter relating to levying of license taxes for purposes of regulation and revenue.

AMENDMENT No. 46.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said City and County of San Francisco by amending Sections 1 and 13 of Chapter VII of Article V, relating to the Police Court and the salaries of the Judges thereof.

AMENDMENT No. 47.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at a general election to be held therein on the 2d day of November, 1920, a proposal to amend the Charter of

said City and County by adding a new section thereto to be known as Section 44, Article XVI, fixing and prescribing the salaries of the District Attorney, Auditor, County Clerk, Coroner, Treasurer, Recorder, Tax Collector, City Attorney, Supervisors and five Election Commissioners, said section to read as follows:

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AMENDMENT No. 48.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1 of Chapter VIII; section 4 of Chapter III and repealing of Section 14, Chapter VIII, all said sections being in Article IX relating to salaries in the Fire Department,

And

WHEREAS, Said twenty-six proposals aforementioned containing said proposed amendments to said charter were, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for one day after their order of submission in the "San Francisco Chronicle" a daily newspaper of general circulation in the city and county of San Francisco and the official newspaper of said city and county; that said proposals were printed in convenient pamphlet form and until the date fixed for the election hereinafter described an advertisement was published in a paper of general circulation in the city and county of San Francisco, the "San Francisco Chronicle," that such copies could be had on application therefor to the office of the Board of Supervisors; and

WHEREAS, The said legislative authority of said city and county, ordered placed upon the ballot at a general election to be held in the city and county of San Francisco on the second day of November, one thousand nine hundred and twenty, the said twenty-six several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said General Election was held in said city and county of San Francisco on the second day of November, one thousand nine hundred and twenty, which day was more than forty days and less than sixty days after said proposed charter amendments had been published for one day in the "San Francisco Chronicle", newspaper, said general election having been held within six months next preceding a regular session of the legislature; and

WHEREAS, On the eighth day of November, one thousand nine hundred and twenty, and thereafter at meetings duly convened in accordance with law, the board of election commissioners of said city and county duly and regularly canvassed the returns of said general election, and duly declared the results thereof, said board being by law authorized to conduct, manage and control the holding of said elections and

San
Francisco
city and
county
charter
amendments.

all matters pertaining to such elections in said city and county ;
and

WHEREAS, Thereafter, to wit, on the twenty-fourth day of November, one thousand nine hundred and twenty, the said board of election commissioners duly filed in the clerk's office of the Board of Supervisors "Official statement of votes cast at the general election held in the city and county of San Francisco, State of California, on Tuesday, the second day of November, A. D. 1920, for charter amendments," and

WHEREAS, At said general election so held on the second day of November, one thousand nine hundred and twenty, fifteen of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to-wit: Charter Amendments numbered twenty-three, twenty-four, twenty-seven, twenty-nine, thirty, thirty-one, thirty-two, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-three, forty-four, and forty-eight, and that all the other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said fifteen charter amendments so ratified by the electors of the city and county of San Francisco, are now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section eight of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

AMENDMENT NO. 23.

Amend Section 1 of Chapter IV of Article VIII, of said Charter so that the same shall read as follows, to-wit:

Chief of
police.

Section 1. The Chief of Police shall be appointed by the Board of Police Commissioners and hold office for the term of four years. He shall receive an annual salary of six thousand dollars. He shall have control, management and direction of all members of the Department in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to suspend temporarily any member of the Department. In all cases of such suspension he shall immediately report the same to the Board, with the reasons therefor in writing. He shall maintain and enforce law and rigid discipline so as to secure complete efficiency of the Department. He shall, subject to the directions and orders of the Commissioners, have control of such of the prisons of the City and County as are not by the general law under the control of the Sheriff.

Amend Section 6 of Chapter V of Article VIII, of said Charter so that the same shall read as follows, to-wit:

Detectives.

Section 6. The Chief of Police may detail for detective duties such members of the Department as he may select, not to exceed twenty-five. He shall designate a Captain of Police to act as Captain over the officers so detailed, who shall receive

an annual salary of four thousand dollars. Such Captain shall rank as Captain of Detectives and his duties shall be defined by the Commissioners and by the Chief of Police. The members so detailed shall be known and ranked as Detective Sergeants. Each of said Detective Sergeants shall receive an annual salary of two thousand four hundred dollars. They may be removed at any time from such detail by the Chief of Police. Their duties shall be defined by the rules and regulations of the Commissioners, by the orders of the Chief of Police, and by the orders of the Captain of Detectives.

Amend Section 5 of Chapter IV of Article VIII, of said Charter so that the same shall read as follows, to-wit:

Section 5. The Chief of Police shall detail one or more of the members of the Department to attend constantly on the Police Court and to execute its orders and process. He shall detail at his pleasure members of the Department to act as his Chief Clerk, Assistant Clerks, Prison Keepers and Property Clerk. Said Chief Clerk and Property Clerk shall each receive an annual salary of three thousand dollars.

Chief
clerk and
property
clerk.

Amend Section 1 of Chapter V of Article VIII, of said Charter so that the same shall read as follows, to-wit:

Section 1. Subordinate officers of the Police Department shall consist of Captains, who shall each receive an annual salary of three thousand dollars; Lieutenants, who shall each receive an annual salary of two thousand five hundred and twenty dollars; Sergeants, who shall each receive an annual salary of two thousand two hundred and eighty dollars; and Corporals, who shall each receive an annual salary of two thousand one hundred and sixty dollars.

Subordinate
officers.

Amend Section 1 of Chapter VI of Article VIII, of said Charter so that the same shall read as follows, to-wit:

Section 1. The police force of the City and County shall not exceed one police officer for each five hundred inhabitants thereof. Police Officers shall each receive an annual salary of two thousand and sixty-four dollars.

Police
officers.

Amend Section 7 of Chapter III of Article VIII, of said Charter so that the same shall read as follows, to-wit:

Section 7. To appoint a Police Surgeon, who shall receive an annual salary of eighteen hundred and sixty dollars.

Police
surgeon.

The foregoing amendment shall become effective July 1, 1921.

AMENDMENT No. 24.

That a new section is hereby added to Chapter VI, Article VIII, to be known as Section 1¾ and to read as follows:

Section 1¾. The Board of Police Commissioners may appoint three women protective officers, each of whom shall receive an annual salary equal to the salary of a police officer of the City and County of San Francisco, and four police matrons; said women protective officers and police matrons shall be subject to the provisions and entitled to the benefits

Women
protective
officers and
police
matrons.

of Chapter 10 of Article VIII of the Charter of the City and County of San Francisco.

AMENDMENT No. 27.

That said Charter is hereby amended by adding thereto a new article to be known as Article XVII and to read as follows:

ARTICLE XVII.

Retirement of Aged and Disabled City Employes.

Retirement
of aged
and
disabled
employes.

Section 1. The Board of Supervisors of the City and County are empowered under the conditions set forth herein, on the vote of fourteen members and the approval of the Mayor, to establish a retirement system and to provide for death benefits for public employes other than policemen and firemen who are now members of a pension system, and elective officers and officers appointed by the Mayor. Provided, however, that in no retirement system so established shall an employe be retired, except in case of disability, incapacitating the employe for the performance of his duties before he reaches the age of sixty-two, and before ten years of continuous service; except that the Board of Administration hereinafter created may, by rule, provide for retirement of employes after thirty years of continuous service, as defined by the Board of Administration, who elect, within one year after their entrance into a retirement system, to receive a retirement allowance, payable after thirty years of continuous service, as defined by the Board of Administration, at rates of contribution to be established by the Board of Administration. Retirement shall be compulsory at the age of seventy.

Report of
actuary.

Section 2. The Board of Administration hereinafter provided, shall secure from a competent actuary a report of the cost of establishing a general retirement system for all employes, of the City and County. Said actuary shall be one who has had actual experience in the establishment of retirement systems for public employes, and his position shall be considered one requiring expert or technical training within the meaning of Section 2, Article XVI of the Charter.

Contributions
by
city and
county
and
employes.

Section 3. The retirement system shall be conducted on the contributory plan. The City and County shall contribute jointly with the employes affected thereunder. Employes shall contribute an amount not to exceed 5 per cent of their salary or wage except that in the discretion of the Board of Administration, employes of the age of fifty or over at the time a retirement system becomes effective, may be required to contribute not to exceed ten per cent of their salary or wage; and employes of forty years of age or over at the time a retirement system becomes effective, may, at their option, within one year after their entrance into such a system and with the approval of the Board of Administration, elect to receive retirement allowances in excess of those normally established, at rates of contribution to be determined by the Board. The City

shall contribute an equal amount, except where employes elect to receive a retirement allowance at a rate in excess of that normally established, in which case the City shall contribute the amount provided in the actuarial tables adopted by the said Board for normal retirement allowances. The system shall be applied to such departments, sections or classes of employes as the Supervisors shall determine. The mortality, service, experience, or other table calculated by the actuary, and the valuation determined by him, and approved by the Board, shall be conclusive and final, and any retirement system established under this article shall be based thereon; provided that initial liabilities accruing under a retirement plan because of past service of employes in service at the time this amendment is adopted, may be covered by annual appropriation of the Supervisors. The system shall be managed by a Board of Administration as established in Section 4 hereof.

Section 4. A Board of Administration of said retirement system is hereby created, consisting of the Chairman of the Finance Committee of the Board of Supervisors, the Auditor, three members elected from the active members of the retirement system, a resident official of a life insurance company, and an officer of a bank, to be appointed by the Mayor within sixty days of the taking effect of this amendment. Such appointees shall serve without compensation. Provided, however, that pending establishment of a retirement system, the Mayor shall appoint the three members to represent the active members of the retirement system from a list of nominees presented by the employes who would be affected by such a system. Members other than ex-officio members shall so classify themselves by lot, that one term shall expire each year.

Board of
administra-
tion.

Section 5. The Board of Administration may establish such rules and regulations as they may deem proper; shall elect one of their members president and appoint a secretary, and may appoint such other employes as may be necessary. Such appointments, excepting the actuary, shall be made under the provisions of article XIII of this Charter.

Regulations.

Section 6. The Board of Administration shall be the sole authority and judge under such general ordinances as may be adopted by the Supervisors as to the conditions under which persons may be admitted to benefits of any sort under the retirement system, and shall have exclusive control of the administration and investment of such fund or funds as may be established. Provided, however, that the Auditor shall refuse to allow any warrant drawn for payment of a retirement allowance if, in the opinion of the Auditor, such retirement allowance has been granted in contravention of this article or any ordinance passed under the authority granted herein.

Exclusive
control by
board.

Section 7. The Board of Supervisors is hereby fully empowered by a majority vote of the members to enact any and all ordinances necessary, in addition to the ordinance authorized in Section 1 of this article, to carry into effect the provisions of this article.

Power of
supervisors.

AMENDMENT No. 29.

That a new section is hereby added to Article XII to be known as Section 10b and to read as follows:

Sale of
school bonds
and water
bonds.

Section 10b. The Board of Supervisors is hereby authorized to sell certain bonds authorized at an election held October 30, 1917, dated March 1, 1918, and described as "School Bonds" and certain bonds authorized at an election held on January 14, 1910, dated July 1, 1910, and described as "Water Bonds," below the par or face value thereof, such sale price, however, not to be less than that which will net the purchaser five and one-half per cent per annum according to the standard table of bond values. The interest on bonds hereafter authorized under the provisions of this Article may be fixed at any rate not in excess of five and one-half per cent per annum.

AMENDMENT No. 30.

That a new section is hereby added to Article XII to be known as Section 17 and to read as follows:

Mode and
procedure
for
acquisition
of public
utility.

Section 17. The mode and procedure in this article provided for the acquisition by purchase of any public utility, or the whole or any part of the property devoted to such utility, and for the payment and the means of payment therefor, shall not be deemed exclusive, but the Board of Supervisors by an affirmative vote of not less than two-thirds of the members thereof may adopt an ordinance providing the mode and procedure for the acquisition by purchase of public utilities and of the whole or any part of the property devoted to such utilities and for the payment and means of payment therefor; and in such ordinance, if said Board deems it expedient, provision may be made for the payment for a public utility or the property thereof or both, in whole or in part, out of its earnings, or revenue, and the earnings and revenues of properties consolidated or operated therewith by the City and County; such ordinance may from time to time be amended, but no amendment shall be made thereto which in anywise shall change or affect the terms or conditions under which a public utility or the whole or any part of the property thereof has been acquired prior to such amendment. No acquisition of any public utility or any of its property under this section, or the ordinance authorized hereby or any amendment thereof shall be consummated or become effective until and unless the proposed acquisition and the terms and conditions thereof shall have been referred and submitted by the Board of Supervisors to the electors of the City and County in the manner provided in Chapter IV, Article XI of the Charter, and shall have been approved by the affirmative votes of the majority of the electors voting thereon; provided further, that such acquisition shall be approved by two-thirds of the qualified electors voting thereon in the event that such acquisition shall involve the incurring of an indebtedness or liability exceeding in any year the income and revenue provided for such year, as speci-

fied in Section 18 of Article XI of the Constitution of the State of California.

AMENDMENT NO. 31.

That a new section is hereby added to Article XII to be known as Section 11a and to read as follows:

Section 11a. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid for all purposes, the same as if they had remained in office until the delivery of the bonds.

AMENDMENT NO. 32.

That Chapter V of Article VI of the Charter of the City and County of San Francisco be amended by the addition of twelve new sections thereto, to be numbered Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 thereof, to read as follows:

Section 3. (a) That jurisdiction, management and control of the wharves, waterfront and harbor of San Francisco and all power, authority or obligation vested in the Supervisors or Board of Public Works by Sections 1 and 2 of this chapter shall continue until such time as the State of California may grant and convey to the City and County of San Francisco the lands situate on the City and County of San Francisco side of the Bay of San Francisco (now under the jurisdiction, management and control of the Board of State Harbor Commissioners) with authority to govern, administer and control such lands and to improve and develop navigation, commerce and fishing thereon and thereover.

(b) When the State of California shall grant and convey such lands to the City and County of San Francisco, with authority as aforesaid to govern, administer and control the same, all jurisdiction, management and control and all power, authority and obligation vested by Sections 1 and 2 of this chapter in the Supervisors and all power, obligation and authority vested in the Board of Public Works by Section 1 of this chapter shall thereupon cease and determine and the jurisdiction over said lands and the wharves, waterfront and harbor of San Francisco and all navigable waters within the limits of the City and County of San Francisco and the management and control thereof shall be vested in a Municipal Board of Harbor Commissioners, which shall then be appointed and which shall then exercise such power and authority as is provided for in Section 4 and succeeding sections of this chapter; and no appointments shall be made and no power or authority shall be exercised by virtue of the provisions of Section 4 and succeeding sections of this chapter until that time.

Section 4. (a) All the wharves, waterfront and harbor of San Francisco which may hereafter be granted and conveyed by the State of California to the City and County of San Francisco, and all wharves, waterfront and harbor of San

Francisco which may then belong or may thereafter belong to the City and County, or over which it may at that time or at any time thereafter lawfully exercise jurisdiction and control, and all navigable waters as aforesaid, shall be under the jurisdiction, management and control of a Municipal Board of Harbor Commissioners of three persons to be appointed, with such powers and duties as may be prescribed by this Charter or conferred by ordinance or ordinances of the Supervisors, which ordinances may be amended or repealed from time to time and may confer additional powers, authority and obligations upon the Municipal Board of Harbor Commissioners, but can in no way modify, deny or limit any power, authority or obligation conferred on that Board by this Charter.

Appoint-
ment of
board.

(b) When the occasion shall arise for the appointment of such a board, the Mayor must appoint three Municipal Harbor Commissioners to hold office for a term of six years, except that the Commissioners first appointed shall hold office for terms of two, four and six years respectively, but thereafter, except as herein otherwise provided, every Commissioner appointed shall hold office for a term of six years. The Commissioners first appointed by the Mayor shall have their respective terms of office designated by him as two, four and six years respectively. Any vacancy occurring in the office of any Commissioner shall be filled by the Mayor by appointment of a Commissioner to serve for the unexpired term of the Commissioner in whose office such a vacancy may occur.

Legal
successors.

(c) The Board of Municipal Harbor Commissioners hereby authorized shall be the legal successors to the Supervisors, so far as any power, authority or obligation is conferred upon them by Sections 1 and 2 of this chapter, and shall also be the legal successors of the State Board of Harbor Commissioners.

President.

(d) When the Board herein provided for is appointed it shall organize and elect a President of the Board. It shall be his duty to preside at its meetings, to supervise the official conduct of its officers and employees, especially in the collection, custody and disbursement of the revenues, and to require that all the books, papers and accounts be accurately kept and in proper form, and all the provisions of law and regulations of the Board be enforced and observed. He may administer official oaths to the officers and employees of the Board, except to the other Commissioners, and to all other persons in relation to the business of the Board.

Bonds of
commis-
sioners.

Section 5. (a) The Commissioners must each give an official bond in the sum of fifty thousand dollars (\$50,000), which must be approved by the Mayor and City Treasurer by written endorsement thereon, and within fifteen days after the date of their respective commissions must be filed and recorded in the office of the Clerk of the Board of Supervisors, together with an official oath. The Board on entering on the duties of their office must appoint the following officers: A Harbor

Officers.

Master, Secretary and Treasurer, to hold office during the

pleasure of the Board. In case of any vacancy in such offices the Board must fill the same by appointment. The Chief Engineer shall be appointed by the Harbor Master with the approval of the Board. The Harbor Master need not be a resident of the City and County at the time of his appointment nor need he have resided in said City and County for any time prior to such appointment, but must be and have been a resident of the State of California for one year prior to such appointment, and during his term of office he must actually reside in said City and County. The salaries of the Secretary, Treasurer and Chief Engineer shall be such as may be fixed by the Board.

(b) The duties, powers and authority of the Secretary, Treasurer, and Chief Engineer shall be such as the Board by its regulations may provide. The City Attorney must give such legal advice and render such legal services as may from time to time be required of him by the Board or the Harbor Master in connection with their duties. Duties of officers.

Section 6. The Harbor Master, Assistant Harbor Master, Secretary, Treasurer and Chief Engineer shall all take and subscribe official oaths, and official bonds shall be given by the following officers in the following amounts before they enter on the duties of their respective offices: The Harbor Master and Treasurer in the sum of fifty thousand dollars (\$50,000) each; the Assistant Harbor Master and Secretary in the sum of twenty thousand dollars (\$20,000) each, and the Chief Engineer in the sum of ten thousand dollars (\$10,000). Said bonds must be approved by the Board by written endorsement thereon and be filed with the oaths of office in the office of the Clerk of the Board of Supervisors. In the case of the officers or employees who are required by the provisions of this and the preceding section, or by Section 8 hereof, to furnish bonds, the premium or charge for such bonds shall be paid by the Municipal Board of Harbor Commissioners out of the General Harbor Fund of the City Harbor Improvement Fund hereinafter provided for; provided, however, that no premium or charge should exceed one-half of one per cent per annum on the amount of such bond. Bonds of officers.

Section 7. (a) The Harbor Master shall be the chief executive officer of the Board; he shall appoint an Assistant Harbor Master to hold office during his pleasure, and all wharfingers, collectors and other employees necessary to be employed in the administration of the harbor affairs under the jurisdiction of said Municipal Board of Harbor Commissioners, but the salaries or compensation of the Assistant Harbor Master and of the wharfingers, collectors and other employees shall be such as may be fixed by the Harbor Master with the approval of said Board, while the number of wharfingers, collectors and other employees shall be such as may be designated by the Board from time to time. Harbor master

(b) All persons appointed by the Harbor Master except the Chief Engineer and the Assistant Harbor Master, and Superintendents, Chiefs and Heads of Departments, shall be City service.

Present
employes.

subject to appointment, suspension and promotion in accordance with the provision of Article XIII of this Charter, and all persons employed as wharfingers, collectors or as other employees under the State Board of Harbor Commissioners shall be continued in their respective positions as such wharfingers, collectors or other employees under the Municipal Board of Harbor Commissioners as though appointed thereto by said Harbor Master, provided such persons have been so employed by the State Board of Harbor Commissioners for not less than one year at the time the State shall transfer and convey to the City the lands referred to in Section 3 of this chapter, subject to suspension or discharge only as provided for in Article XIII of this Charter. The Assistant Harbor Master may be suspended or discharged by the Harbor Master at any time and a new Assistant Harbor Master may be appointed to fill any vacancy so arising; and the Harbor Master may suspend or discharge any wharfinger, collector or other employee under the Municipal Board of Harbor Commissioners, only, however, as provided for in Article XIII of this Charter.

Duties of
officers.

Section 8. The Harbor Master shall exercise such power and authority and discharge such duties as may be conferred upon him by this Charter or delegated to him by the regulations adopted by the Municipal Board of Harbor Commissioners. The Assistant Harbor Master shall exercise the powers and authority and discharge the duties of the Harbor Master in his absence or in case of his inability to act, and shall render such assistance and perform such services as the Harbor Master may require. The wharfingers shall have supervision of the wharves to which they are assigned and must require the regulations of the Board and the general orders of the Harbor Master to be respected and obeyed, and good order to be preserved thereon. The collectors must collect the revenues in such manner as the Board by its regulations may direct and must daily account for and pay all moneys into the office of the Treasurer of the Board, and all such moneys shall be paid by him into the Treasury of the City and County as required by the provisions of Section 34 of Article XVI and of Sections 1, 3 and 4 of Chapter III of Article III of this Charter, where they shall be credited to the City Harbor Improvement Fund. The wharfingers and collectors must each within fifteen days of their respective appointments take and subscribe an official oath and give such official bond as the Board may require, subject to the approval of the Harbor Master to be endorsed thereon, and the said bond and oath shall thereupon be filed with the Secretary of the Board. The wharfingers and collectors must perform such other duties pertaining to their positions as the Harbor Master may from time to time impose by his general orders. The Harbor Master shall, subject to the approval of the Board, prescribe the duties of all employees of the Board whose duties are not otherwise provided for, and may require from them

official bonds in such amounts as he may determine, to be approved by him and filed with the Secretary of the Board.

Section 9. For the government and administration of the affairs of the harbor, the Board may adopt and publish such regulations as to them may seem advisable, and repeal or amend the same from time to time; and to supplement the same the Harbor Master may subject to the approval of the Board, issue and publish such general orders as to him may seem advisable, and subject to like approval, rescind or change the same from time to time; but all regulations of the Board of all general orders of the Harbor Master shall be printed and published daily in at least two newspapers of general circulation, printed in San Francisco, for at least ten days, and copies thereof kept on file in the office of said Board and posted in easily accessible places in said office and on all the docks and piers under the jurisdiction of said Board, open to public inspection.

Section 10. (a) The Municipal Board of Harbor Commissioners shall have general control over the premises, jurisdiction over which is vested in them by this article, or by authority thereof, and may use the same for loading and landing merchandise and passengers, together with such portion of the streets of the City ending or fronting upon the waters of said Bay, as may be used for such purposes without obstructing the same as thoroughfares. The Board may fix and regulate from time to time the rates of dockage, wharfage, cranage, tolls and rents, and the Board shall collect such an amount of revenue therefrom as will enable the Board to perform the duties required of the Board by authority of this Charter. The Supervisors, however, may provide and appropriate such funds for the use and expenditures of the Municipal Board of Harbor Commissioners as the Supervisors may deem proper, and may raise the same by the levy and collection of taxes therefor, subject, however, to all the provisions of Article III of this Charter.

(b) The Municipal Board of Harbor Commissioners, except as otherwise provided in this article, shall have the same powers and authority and the same duties and obligations as are vested in or imposed upon the State Board of Harbor Commissioners by law at the time of the adoption of this amendment to the Charter, and such further powers and authority and duties and obligations as the Supervisors may vest in or impose upon them by any ordinance or ordinances duly adopted and passed, which ordinances or any of them may from time to time be repealed, amended, or re-enacted by the Supervisors, like any other ordinance, subject, however, to the limitations on such ordinances prescribed by Section 4 of this article.

(c) Neither the Governor of the State of California nor the Mayor of the City and County of San Francisco shall be ex-officio or otherwise a member of the Municipal Board of Harbor Commissioners for any purpose mentioned in Article

IX of Chapter I of Title VI of the Political Code of the State of California or for any other purpose; nor shall their presence be necessary at any meeting thereof, nor need they be given any notice of any meeting thereof for the proceedings thereat to be valid and lawful and within the power, authority and jurisdiction of said Board, nor shall their approval, or that of either of them, be necessary to the validity or lawfulness of any proceedings of said Board or to any contract made by their authority.

Moneys
forfeited.

(d) All moneys forfeited under any contracts or for the failure or neglect of any bidder on any contract to execute the same or give any bond required in connection therewith, shall be paid into the City Harbor Improvement Fund.

Moneys
retained
in harbor
improvement
fund

Section 11. No moneys remaining in the City Harbor Improvement Fund, or in any of its subdivisions, at the end of any fiscal year shall be transferred to the Surplus Fund, but the same shall be carried forward and apportioned to the City Harbor Improvement Fund for the ensuing fiscal year.

Warrants.

Section 12. No moneys shall be withdrawn or paid out of the City Harbor Improvement Fund except upon warrants drawn against the fund or its appropriate subdivision. Such warrants may be drawn in such manner and by such officers of the Municipal Board of Harbor Commissioners and upon such approval as the Supervisors may prescribe from time to time by ordinance duly adopted and passed. And in like manner the Supervisors shall provide for the subdivision of that fund into (1) a General Harbor Fund; (2) such sinking funds (each separately and appropriately designated with reference to the bonded indebtedness for the liquidation of which it is maintained) for the payment of the principal and interest on bonded indebtedness incurred or assumed in connection with the improvement of or acquisitions for the harbor as may be necessary; and (3) such special funds for improvements of or acquisitions to the harbor as may represent the proceeds of sales of bonds issued for such purposes by the City or by the State and payment of which has been or may be assumed by the City, or taxes levied and collected for such purposes. The moneys in any special fund can only be used or spent for the special purposes for which such special fund was created. Any balance remaining in such a fund after the special purpose has been fully accomplished, for which the fund was created, shall, on the written order of the Municipal Board of Harbor Commissioners, signed by the President and Secretary of the Board, be transferred by the Treasurer to the appropriate sinking fund created for the payment of the principal and interest of any bonds which may have been issued and sold to secure moneys for that special purpose, or to the General Harbor Fund, as the Board may direct by such order. The moneys in such sinking funds can only be used or spent for the payment of the principal and interest of the bonds appertaining to such sinking fund. Any balance remain-

Funds.

ing in any sinking fund after all the principal and interest due or owing on the bonds appertaining thereto have been paid shall, on the written order of the Municipal Board of Harbor Commissioners as aforesaid, be transferred by the Treasurer to the General Harbor Fund. The Treasurer shall monthly transfer from the General Harbor Fund to the appropriate sinking fund such sums as may be necessary to provide for the payment of the principal and interest of any bonds relating to the harbor issued and sold by the State, payment of which has been or may be assumed by the City, and as may be required by the law of the State authorizing such bonded indebtedness, and such sums as may be necessary to provide for the payment of the principal and interest on any bonds issued and sold by the City, and as may be required by the Ordinance authorizing such bonded indebtedness. The moneys remaining in the General Harbor Fund can only be used and spent in the payment of the salaries and wages of the officers and employees of the Board of Municipal Harbor Commissioners, the fees and expenses of the Board, and for the repair, maintenance, operation and improvement of the harbor and of the property under the jurisdiction of the Board, and for such purchases of such supplies, material and equipment, and for the performance of such works as the Board may find necessary or proper in the discharge of their duties.

Section 12. Bonds may be issued by the City and sold to ^{Bonds.} secure moneys for improvements of or acquisitions to said harbor, or for the refunding of any outstanding State bonds issued and sold for such purposes. But the issuance and sale of such bonds shall be regulated and controlled by the provisions of Section 29 of Article XVI of this Charter, so far as the same are applicable, and shall only be issued and sold under authority of proceedings initiated and completed thereunder. And when the ordinance authorizing the issue of such bonds shall provide for the payment of the principal and interest on such bonds out of the City Harbor Improvement Fund and shall direct the creation of a sinking fund therein for that purpose, such bonded indebtedness shall be no part of the debt limited by Section 9 of Article XII of this Charter.

Section 13. The Board of Harbor Commissioners shall ^{Weekly} hold regular meetings, once each week, at a regular time to ^{meetings.} be determined by the Board, and may hold special meetings at any time on the call of the President of the Board, on such notice as the Board may by its regulations require.

Section 14. The members of the Board shall receive as full ^{Compensa-} compensation for their services a fee of fifteen dollars (\$15.00) ^{tion.} for each regular meeting of the Board actually attended, and the Harbor Master shall receive an adequate annual salary in full compensation for his services, to be determined by the Board.

AMENDMENT No. 37.

That Section 1, Chapter I, Article VII, of the Charter, is hereby amended to read as follows:

School
depart-
ment.

Section 1. The School Department shall be under the control and management of a Board of Education composed of seven (7) School Directors, who shall be appointed by the Mayor, subject to confirmation or rejection by the electors as hereinafter provided, and who shall each be citizens of the United States, and who shall at the time of their respective appointments be not less than thirty (30) years of age and shall have been residents of the City and County of San Francisco for at least five (5) years prior to their said respective appointments. The full terms of office of each of the directors shall be seven (7) years, commencing on the 8th day of January, except that those first appointed hereunder shall be so classified that they shall respectively go out of office at the end of one, two, three, four, five, six and seven years successively.

Appointments to the Board of Education shall be made by the Mayor, subject to confirmation by the electors, as follows:

Between the 1st and the 10th day of September in each year the Mayor shall file with the Registrar of Voters, the name of a qualified citizen to serve as a member of the Board of Education for the regular term commencing on the 8th day of January in the succeeding year. At the general election in the following November there shall be placed by the Registrar of Voters upon the ballot a statement in substantially the following form:

FOR MEMBER OF THE BOARD OF EDUCATION.
JOHN DOE (appointed by the Mayor for confirmation by
the Electors)

YES NO

If a majority of the electors voting on such appointment vote "Yes," said appointment shall be confirmed and the person named shall take office on the 8th day of January next following. If a majority of the electors vote "No," the appointment shall stand rejected and such person shall not be appointed as a member of the Board of Education.

Vacancies shall be filled by appointment by the Mayor of a qualified citizen, other than one who has been rejected by the voters; and such appointment shall be submitted to the electors for confirmation or rejection at the next general election in the manner above provided for original appointments. If such appointment be approved by the electors the person appointed shall serve for the unexpired term. If such appointment be rejected the office shall thereupon become vacant. A person appointed to a vacancy shall exercise the powers of the office pending the election. A person rejected by the electors shall not become eligible to hold the office of School Director until at least three years shall have elapsed between his rejection by the electors and his reappointment by the Mayor.

The School Directors shall receive as compensation fifteen dollars per day when the Board is in Session. They shall also receive ten dollars per day while engaged in committee work under the direction of the Board; provided, however, that the total amount of such per diem for session and committee work, for the whole Board, shall not exceed five thousand dollars for any fiscal year; and, provided further, that only those actually attending a session or doing such committee work shall be entitled to compensation therefor.

That Section 2, Chapter I, Article VII of the Charter is hereby amended to read as follows:

Section 2. The Board shall organize by electing one of its number President, who shall serve for one year and until his successor is elected. The Board may employ a secretary, and other necessary assistants, subject to the provisions of Article XIII of the Charter; but employees of the Board of Education occupying positions in the clerical, mechanical, janitorial and labor services who have held such positions continuously for one year immediately prior to the date of the adoption of this amendment shall be deemed to have been appointed to the positions they then hold under the terms of article XIII of the Charter. Employees.

That Section 3, Chapter 1, Article VII, of the Charter is hereby amended to read as follows:

Section 3. The Board shall meet at least twice a month and at such other times as it may determine. A majority of all the members of the Board shall constitute a quorum; in every instance where a power is exercised by the Board under this Charter or the laws of the State, the vote thereon shall be taken by ayes and noes and entered in the minutes of the Board, and no action or decision of the Board shall become official and binding without the concurrence of a majority of the members of the Board. The Board shall keep a record of its proceedings and such record shall be a public record. Such committees may be established from time to time as the Board of Education may provide, and their duties shall be prescribed by the Board. The Board of Education shall exercise such powers as are conferred on it by this Charter and the laws of the State. Meetings of board.

That Section 1, Chapter II, Article VII, of the Charter is hereby amended to read as follows:

Section 1. The School Department shall comprise all the public schools of the City and County and shall include such elementary, intermediate, high, evening, department, continuation, vocational, technical, cosmopolitan, normal, or other types of schools authorized by the laws of the State as the Board of Education may determine. Schools included.

That Section 1, Chapter IV, Article VII, of the Charter is hereby amended to read as follows:

Section 1. The Superintendent of Schools of the City and County shall be the executive officer of the Board of Education. He shall be appointed by said Board to serve during its Superintendent of schools.

pleasure, and he shall receive such salary as may be fixed by the Board. This section as amended, shall not become effective until the end of the term of the elected Superintendent holding office at the time of the adoption of this amendment, who shall exercise all of his then existing powers and duties to the end of his term in the same manner and to the same extent as if this amendment had not been passed.

That Section 2, Chapter IV, Articles VII, of the Charter is hereby amended to read as follows:

Deputy
Superintendents.

Section 2. The Superintendent shall appoint four Deputy Superintendents. The number of such deputies shall not be increased until the average daily attendance shall have reached forty-five thousand, when the Superintendent shall appoint one additional deputy and thereafter he shall appoint one deputy for each additional eight thousand children in average daily attendance. If from any cause a vacancy occurs in the office of Deputy Superintendent such vacancy shall be filled by the Superintendent. Such appointments of Deputy Superintendents shall be effective only upon the approval of the Board of Education and the appointees shall serve during the pleasure of the Superintendent and the Board of Education.

That Section 3, Chapter IV, Article VII, of the Charter is hereby amended to read as follows:

Residence
qualification.

Section 3. The positions of Superintendent and Deputy Superintendents shall be held only by persons of expert or technical training and shall not be subject to any provisions of this Charter prescribing a residence qualification for officers or appointees; provided, however, that during their incumbency appointees to such positions shall actually reside in the City and County and in case any such appointee shall fail so to do, his appointment shall at once be revoked by the Board.

That Section 4, Chapter IV, Article VII, of the Charter is hereby amended to read as follows:

Qualifica-
tions of
deputy
superintendents.

Section 4. Deputy Superintendents must have had at least five years of successful experience as teachers, but should the enlargement of the scope of the activities of the School Department render the appointment of one or more Deputy Superintendents to supervise some special line of educational work advantageous, such appointment may be made regardless of previous teaching experience by an affirmative vote of five out of seven Directors, but the appointee must have had five years practical experience in the line of work which he will be called upon to supervise.

That Chapter IV, Article VII, of the Charter is hereby amended by adding a new section thereto to be known as Section seven (7), and to read as follows:

Appoint-
ment,
etc., of
teachers.

Section 7. Appointment, promotion, assignment and transfer of teachers, as authorized in Subdivision 2 of Section 1, Chapter III, of this Article shall be made by the Board of Education upon the recommendation of the Superintendent of Schools, and not otherwise.

SCHEDULE.

This amendment shall become effective as follows:

Effective
when.

Between the first and tenth day of September, 1921, the Mayor shall appoint seven qualified persons for members of the Board of Education, and their names shall be submitted to the electors for confirmation as provided above. Those confirmed by the electors shall take office on the 8th day of January, 1922, the term of the person receiving the highest vote to expire at the end of seven years, the next six years, and so on. If any be rejected the vacancy shall be filled as in this article provided. If more than one be rejected, the Mayor shall designate in filling vacancies the term to be served by each, so that one vacancy shall occur each year.

The remaining provisions of this amendment, except as herein otherwise provided, shall be in effect from and after the 8th day of January, 1922.

AMENDMENT No. 38.

That a new section is hereby added to Article XIII, to be known as Section 22 and to read as follows:

Section 22. The term "veteran" as used in this section shall be taken to mean any person who has served in the Army, the Navy or the Marine Corps of the United States in time of war, or in any expedition of the armed forces of the United States, and received an honorable discharge or certificate of honorable active service.

Civil
service
preference
to veterans.

The Civil Service Commission shall by rule establish preference for veterans as follows: In the case of entrance examinations to establish eligible lists in the Police and Fire Departments, veterans who become eligible for appointment by attaining the passing mark established for the examination, and whose service as veterans exceeds three months, shall be classified on such eligible lists in the relative order of the individual ratings attained and ahead of all non-veterans passing such examinations, and shall be eligible for appointment on the basis of such order of standing on such eligible lists. This preference shall expire five years after the ratification of this amendment.

In the case of all other entrance examinations, veterans with thirty days or more of service, and widows of veterans who were married to such veterans on or before November 11, 1918, who become eligible for appointment by attaining the passing mark established for the examination, shall be allowed an additional credit of five points, which shall be added to the percentages attained in such examinations by such veterans, and they shall be placed on eligible lists and be eligible for appointment in the order and on the basis of the percentages attained by them in examinations after such credit of five points shall have been added. All ties shall be decided in favor of veterans; provided, however, in the case of promotional examinations a credit of three points shall

be allowed to veterans and widows of veterans who were married to such veterans on or before November 11, 1918, who shall have been in the City and County service prior to July 1, 1920.

The Civil Service Commission, for specific City and County services or employments, as determined by the Commission, may, in examination, allow general or individual preferences in rating to veterans who have suffered permanent disability in line of duty, provided that such disability would not prevent the proper performance of the duties required under such service or employment, and provided that such disability was of record in the files of the War Department as of July 1, 1920.

In the case of examination to establish eligible lists for artisans, and in which credits are allowed for experience as a journeyman, periods of service in the armed forces of the United States, whether as artisan or otherwise, shall be counted by the Commission as journeyman experience. This provision shall expire five years after the ratification of this amendment.

AMENDMENT No. 39.

That Section 11 of Article XIV is hereby amended to read as follows:

Park
tax.

Section 11. The Supervisors shall provide all necessary money for the maintenance, preservation and improvement of said parks, squares, avenues and grounds, and to that end shall annually levy a tax on all property in the City and County not exempt from taxation, which shall not be less than seven cents nor more than ten cents upon each one hundred dollars, assessed valuation of said property.

AMENDMENT No. 40.

That Section 2 of Chapter VII of Article VII is hereby amended to read as follows:

Library
tax.

Section 2. The Supervisors shall, for the purpose of maintaining such library and reading rooms and such branches thereof as the Board of Library Trustees may from time to time establish and for purchasing books, journals and periodicals, or for purchasing or leasing real and personal property and for constructing such buildings as may be necessary, annually levy a tax on all property in the City and County not exempt from taxation which shall not be less than two and one-half cents nor more than three and three-quarters cents upon each one hundred dollars assessed valuation of said property. The proceeds of said tax shall be credited to the Library Fund.

AMENDMENT No. 41.

That Section 10 of Chapter VII, Article IX, of said Charter is hereby amended to read as follows:

Section 10. All firemen who were retired under the provisions of the law prior to January 1, 1900, shall be entitled to receive from the fund in this Chapter provided for, the sum of seventy-five (75) dollars per month from and after July 1, 1921.

Firemen's
retirement
salaries.

AMENDMENT No. 43.

That a new section to be known as Section 14, be added to Article XIV, to read as follows:

Section 14. A public street, sixty-eight feet and nine inches in width, is hereby opened up and dedicated to public use across the "Panhandle" of Golden Gate Park, as a continuation and extension of Masonic avenue. The Board of Public Works is hereby authorized and directed to improve and keep in repair said street hereby opened up, and the same when improved shall be removed from the jurisdiction of the Park Commissioners and for all purposes shall be considered as an open public street.

Street
across
"Pan-
handle."

AMENDMENT No. 44.

That a new section is hereby added to Chapter VI of Article VIII, to be known as Section 1 4-5 and to read as follows:

Section 1 4-5. The Board of Police Commissioners may appoint one Police Photographer, who shall receive an annual salary of not less than twenty-four hundred dollars, and who shall be subject to the provisions and entitled to the benefits of Chapter X of Article VIII of the Charter of the City and County of San Francisco: provided, however, that said police photographer shall not be entitled to any pension unless he is an actual member of the police force, and further provided, that the pension which shall be paid to him shall be according to, and corresponding with, the rank held by him in the police force at the time said pension is granted.

Police
photographer.

AMENDMENT No. 48.

Amend Section 1 of Chapter VIII of Article IX of said Charter so that the same shall read as follows:

Section 1. The officers and members of the Fire Department shall receive annual salaries as follows: Chief Engineer, fifty-three hundred and sixty dollars; First Assistant Chief Engineer, thirty-nine hundred and sixty dollars; Second Assistant Chief Engineer, thirty-three hundred and sixty dollars: Battalion Chiefs, each, three thousand and sixty dollars: Captains, each, twenty-four hundred and sixty dollars: Lieutenants, each, twenty-three hundred and ten dollars: Engineers, each, twenty-two hundred and eighty dollars: Chiefs' Operators, each, twenty-one hundred and sixty dollars: Drivers, Stokers, Tillerman, Truckmen and Hosemen for the first year of service, each, eighteen hundred

Salaries
in fire
depart-
ment.

dollars; for the second year of service, each, nineteen hundred and twenty dollars; and for the third year of service, and thereafter, each, twenty hundred and forty dollars.

Repeal Section 1 1-2 of Chapter VIII of Article IX of said Charter as follows:

Repealed.

Section 1 1-2 of Chapter VIII of Article IX of this Charter is hereby repealed; to take effect July 1, 1921.

Providing for the appointment of Chiefs' Operators.

Amend Section 4 of Chapter III of Article IX of said Charter so that the same shall read as follows:

Chief's operators.

Section 4. The Chief Engineer may detail for duty as Chiefs' Operators such members of the Department as he may select, not to exceed two for the Chief Engineer and one for each Assistant Chief and Battalion Chief. The members so detailed shall be known and ranked as Chiefs' Operators. They may be removed from such detail at any time by the Chief Engineer.

The foregoing amendment shall become effective July 1, 1921.

STATE OF CALIFORNIA, }
City and County of San Francisco. } SS.

Certificate.

This is to certify that we, James Rolph, Jr., mayor of the city and county of San Francisco, and J. S. Dunnigan, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals, submitting the same to the electors of said city and county at a general election held on Tuesday, the second day of November, one thousand nine hundred and twenty, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In Witness Whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the city and county of San Francisco, this fourth day of December, one thousand nine hundred and twenty.

JAMES ROLPH, JR.,
Mayor of the city and county of San Francisco.

[SEAL]

J. S. DUNNIGAN,
Clerk of the board of supervisors
of the city and county of San Francisco.

Now, therefore, be it

Approval by legislature.

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the city and county of San Francisco, as proposed to and adopted and ratified by the elec-

tors of said city and county, and as hereinbefore fully set forth, be and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco.

CHAPTER 5.

Senate Concurrent Resolution No. 7—Approving eight certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Los Angeles at a special municipal election held therein on the second day of November, 1920.

[Filed with Secretary of State January 21, 1921.]

WHEREAS, The city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over five hundred seventy-six thousand inhabitants and has been, ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, 1888, and approved by the legislature of the State of California on the thirty-first day of January, 1889 (Statutes of 1889, page 455); and

Los Angeles
city
charter
amend-
ments.

WHEREAS, The legislative body of said city, namely: the council of said city, did, by resolution adopted September 16, 1920, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles thirteen amendments to the charter of said city, and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the second day of November, 1920, which date was fixed in said resolution as the date for holding said special municipal election; and

WHEREAS, Said thirteen proposed amendments were, and each of them was, on September 17, 1920, duly published in *The Los Angeles Daily Journal*, a daily newspaper of general circulation in said city of Los Angeles and the newspaper designated by said council for that purpose; that said proposed amendments were printed in convenient pamphlet form, and from September 17, 1920, to November 2, 1920, both inclusive, a notice was published in *The Los Angeles Daily Journal*, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The said council of said city did by ordinance designated as ordinance No. 40962 (new series), which was

Los
Angeles
city
charter
amend-
ments.

duly adopted on October 22, 1920, order the holding of a special municipal election in said city of Los Angeles on the second day of November, 1920, which said date was more than forty days and less than sixty days after the completion of the publication of said thirteen proposed amendments aforesaid, which said ordinance was approved by the mayor of said city on October 22, 1920, and was published five times prior to the time for the holding of said election, to wit: on October 23, to October 28, 1920, both inclusive, in *The Los Angeles Daily Journal*, a daily newspaper printed and published in said city; and said council of said city did by said ordinance No. 40962 (new series) order said special municipal election consolidated with the general state election to be held in said city on the second day of November, 1920; and

WHEREAS, Said special municipal election was held in said city of Los Angeles on the second day of November, 1920, which day was more than forty days and less than sixty days after said proposed amendments to said charter had been published once in *The Los Angeles Daily Journal*; which said election was held during the six months next preceding a regular session of the legislature; and

WHEREAS, Thereafter, the board of supervisors of said county of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, on November 19, 1920, duly certify to the council of said city of Los Angeles the result of the canvass of said returns of said special municipal election; and the council of said city did, by resolution adopted on November 24, 1920, duly declare the result of said special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said special municipal election held on said second day of November, 1920, eight of said proposed amendments were ratified by a majority of the electors of said city voting thereon, to wit: Charter amendments E, G, H, I, J, K, L and M, and that all other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, The said eight charter amendments so ratified by the electors of the city of Los Angeles are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and are in words and figures as follows, to-wit:

CHARTER AMENDMENT "E"

That subdivision (19) of Section 2 of Article 1 of the Charter be amended to read as follows:

(19). To provide for and perform any or all of the following improvements, to wit: The establishing, laying out, opening, extending, widening, narrowing, straightening and vacat-

ing of streets, avenues, alleys, lanes, boulevards, crossings, courts, and other highways and public places and rights of way; the construction or reconstruction or improvement or reinforcement or repairing, in any manner whatsoever, and the establishing, modifying or changing the grade, of streets, avenues, alleys, lanes, boulevards, crossings, courts, bridges, viaducts, subways, tunnels and other subterranean avenues for travel, other highways and public places, rights of way and property belonging to the City; and the construction or reconstruction or repair in, under, over or through any street, avenue, alley, lane, boulevard, crossing, court, bridge, viaduct, subway, tunnel, or other subterranean avenue for travel, other highways and public places, rights of way and property belonging to the City, of sewers, ditches, drains, conduits, tunnels and channels for sanitary and drainage purposes, or either or both thereof, with outlets, cesspools, man-holes, catch-basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and all other appurtenances; of pipes, hydrants, and appliances for fire protection or the distribution of a municipal water supply; of tunnels, viaducts, conduits and subways, breakwaters, levees, bulkheads and walls or rock or other material for protection from overflow or injury by water; of poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting the same; and the planting of trees thereon; any or all of said improvements to be made either by contract or by the City by the direct employment of labor and purchase of materials, or by both said methods; and to make the costs and expenses thereof, including all incidental expenses and any damages to private property occasioned thereby, to be paid from the general fund of the City or from such other fund as the Council may designate; or to make such costs and expenses, including such incidental expenses and damages, a lien upon the abutting property, or upon property in districts according to benefits, which lien shall be a first lien, paramount to all other liens except those for State, County and Municipal taxes; and to make and enforce provisions for the enforcement of such lien; and to levy and collect or cause to be levied and collected assessments upon property according to frontage or upon property in districts according to benefits, to pay the cost of any such improvements; and, whenever any lot, piece, or parcel of land belonging to the United States, or to the State of California, or to the County of Los Angeles, or to the City of Los Angeles, or to any public agent or mandatory of the Government, whether Federal, State, County, or Municipal, and being used in the performance of any public governmental function, shall front upon any work or improvement done hereunder, or shall be included within the district declared to be benefited thereby and to be assessed to pay the cost and expense thereof, said lots, pieces, or parcels of land so owned and in use, or any of them, may be omitted from the assessment to be made to cover the cost and expense of the work or improvement, in which

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event the total expense of all work done, including incidental expenses and damages, shall be assessed on the remaining lots, pieces, or parcels of land fronting on the work or improvement, or lying within the limits of the assessment district, without regard to such omitted lots, pieces, or parcels of land; and to issue and sell or cause to be issued and sold bonds or certificates, bearing interest, extending over a period not exceeding 25 years, to represent any or all such assessments; and to adopt by ordinance the necessary method of procedure to carry out the provisions hereof. The powers herein granted to the City shall be supplemental, additional and alternative powers to those conferred upon municipalities by general laws of the State of California now or hereafter in force.

CHARTER AMENDMENT "G."

That Article XVI of the charter be amended to read as follows:

ARTICLE XVI.

Harbor Department.

Sec. 168 (a). There is hereby created a department of the government of said city to be known as the "Harbor Department," which shall be under the management and control of a board of three commissioners, to be known as the Board of Harbor Commissioners. The members of the Board of Harbor Commissioners shall be appointed by the Mayor, subject to confirmation by a majority of the Council. No person shall be appointed a harbor commissioner who is not a qualified elector of the city of Los Angeles. Upon the taking effect of this article the harbor commissioners then in office shall continue in office as such commissioners until the first Monday in July, 1921. Thereupon, there shall be appointed one harbor commissioner whose term of office shall expire on the first Monday in July, 1923, one harbor commissioner whose term of office shall expire on the first Monday in July, 1924, and one harbor commissioner whose term of office shall expire on the first Monday in July, 1925. Thereafter, the term of office of the members of the Board of Harbor Commissioners shall be four years. If any vacancy occurs, the Mayor shall fill the same by appointment for the unexpired term, subject to confirmation by a majority of the Council. In the event any such office is not filled by appointment upon the expiration of the term thereof, such commissioner shall continue in office until his successor is appointed and qualifies. The Council may, by ordinance, provide for and fix the amount of salaries for the members of said board or any thereof.

(b) One of the members of the Board of Harbor Commissioners shall be the president thereof, who shall be the executive officer of the Harbor Department. The commissioner first appointed hereunder, whose term of office expires on the first Monday in July, 1925, shall be the president of said board.

Board of
harbor
commis-
sioners.

Executive
officer.

Thereafter, the president shall be appointed by the Mayor, subject to confirmation by a majority of the Council, and his term of office shall be four years.

Sec. 169. The Board of Harbor Commissioners shall maintain an office or offices, and prescribe office hours for the convenience of the public. The board shall hold regular public meetings at least once in each week, and shall appoint a secretary, who shall keep a record of all the proceedings of such meetings. The secretary may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

Offices
Meetings.

Sec. 170. The Board of Harbor Commissioners shall have possession and control, under the provisions of this charter, of the entire water front of the City of Los Angeles, of all navigable waters and all tide lands and submerged lands, whether filled or unfilled, situated below the line of ordinary high tide, within the limits of the City of Los Angeles, and the provisions of this article shall be deemed to, and shall apply and appertain to such navigable waters and such tide and submerged lands. That whenever the Council, of its own motion, or upon the recommendation and suggestion of the Board of Harbor Commissioners, shall find and determine that the needs and requirements of commerce, navigation or fishery demand that additional territory, co-terminous and adjacent to that placed by this charter under the control, supervision and management of the Harbor Department, be added thereto, the Council shall have power, and it shall be its duty, to place such territory, by ordinance, under the control, supervision and management of the Board of Harbor Commissioners for the purposes of this article.

Control of
water
front.

Sec. 171. The Board of Harbor Commissioners shall have power and it shall be its duty:

Powers and
duties.

(a) To appoint, employ and for good cause remove a traffic manager, a harbor engineer, a port warden, and such pilots, wharfingers, engineers, warehousemen, inspectors and other officers, assistants and employees as the board may determine necessary; to fix their compensation, prescribe their duties, and to require of any or all of them adequate bonds for the faithful performance of their respective duties.

(b) To make and enforce all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the harbor department, and governing the use and control of the water front of the City of Los Angeles and of all navigable waters and all tide lands and submerged lands whether filled or unfilled within the limits of said city, and may prescribe and enforce penalties for the violation of such rules and regulations.

(c) To regulate and control the anchoring, mooring, towing, docking and landing of all steamships, vessels and other water craft, and the placing, installment and maintenance of buoys, bells, lights and fog horns.

Powers
and
duties.

(d) To regulate and control the operation and use of all railroads, wharves, warehouses, and other utilities, structures and appliances used in connection with, or for the accommodation and promotion of commerce, navigation and fishery, and for the taking on and landing of passengers, and the loading and discharging of cargoes of steamships and other water craft.

(e) To use, for the loading and discharging of cargoes, with the right to collect dockage, wharfage and tolls thereon, such portions of the public streets and other public places terminating in or fronting upon said navigable waters as may be used for such purposes without obstructing the same as public thoroughfares.

(f) To see to the enforcement of all laws, ordinances and orders relating to the construction, alteration, repair, demolition or removal of sea walls, embankments, bulkheads, wharves, piers, docks, slips, quays, landings, elevators, cranes, derricks, bunkers, warehouses, marine ways, dry docks, railroads and other utilities, structures and appliances, and relating to filling, excavating and dredging, in the territory under the control and management of said board.

(g) To inspect all ferries, wharves, warehouses, railroads, and all other public service utilities and appliances maintained or furnished by persons, firms or corporations in the territory under the control and management of the board, as to their compliance with their franchises, and with the law and the ordinances of the city or orders of the board regulating the manner of conducting their business, the service rendered; and their treatment of the public.

(h) To fix, regulate and collect rates or charges for the use of all wharves, warehouses, and other facilities, utilities, structures and appliances, owned, controlled or operated by the city in connection with, or for the promotion and accommodation of commerce, navigation and fishery; the rates or charges on all ferries, steamships, vessels and other water craft owned, controlled or operated by the city; the rates or charges of pilotage and towage; and the rates or charges for transportation and switching on the municipal terminal railroad.

(i) To make, at such times as the board may deem necessary, a thorough investigation into the affairs of all persons, firms and corporations operating or maintaining public ferries, wharves, warehouses and other public service utilities used in connection with, or for the accommodation of commerce, navigation and fishery, or operating on lands under the control and management of the board, and collecting charges for the use of the same, and compile such data as may be necessary to determine the proper license fees to be paid by such person, firm or corporation to the city, and the proper charges or tolls for the services furnished or supplied by such person, firm or corporation. Such data shall include the valuation of the physical properties of such persons, firms or corporations.

a detailed statement of gross and net earnings, expenses, capitalization, and indebtedness thereof, and such other matters as the director may deem proper. The board shall have the right, at all reasonable times, to have access to, and, in person, or by their duly authorized representatives, to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations for the purpose of such investigation and the compiling of such data, and to require reports respecting said matters from such persons, firms or corporations at such times and in such form as the board may prescribe. The amounts of the license fees to be paid to the city by such persons, firms and corporations operating any such public service utility, and the rates or tolls to be charged and collected for services furnished or supplied by such public service utility, shall be fixed by the board, subject to approval, change or modification by the Council, at such times and by such method of procedure as the Council may by ordinance prescribe.

(j) The powers conferred in this section upon the Board of Harbor Commissioners, relating to the making and enforcement of rules and regulations of general application, and to the fixing, regulation and collection of rates, tolls and charges, shall be exercised by order adopted by a majority of its members, and recorded in the minutes with the ayes and noes at length. Every such order shall be published once in the same manner as ordinances of said city, and shall be subject, in all respects, to the referendum provisions of this charter relating to ordinances of said city: provided, however, that every such order relating to the fixing, regulation and collection of rates, tolls and charges shall take effect upon such publication. Every such order shall prescribe penalties for the violation of the provisions thereof, and any person, firm or corporation who shall violate the provisions of any such order shall be guilty of a misdemeanor and shall be punishable by imprisonment in the city jail for a period not exceeding six months, or by a fine not exceeding \$500.00, or by both such fine and imprisonment.

Sec. 172. The Board of Harbor Commissioners shall have charge, superintendence and control:

Control of
construction
work, etc.

(a) Of the design, construction, operation, maintenance, repair, demolition and removal of all seawalls, embankments, bulkheads, wharves, piers, docks, quays, slips, landings, elevators, cranes, derricks, dry docks, marine ways, railroads, bridges, tunnels, warehouses, steamships, vessels and other water craft, and other works, structures and appliances erected, operated or maintained by the city for the promotion and accommodation of commerce, navigation and fishery, or for use in connection therewith, or upon the lands and waters under the control and management of said board.

(b) Of the dredging, deepening, widening and clearing of all channels, slips, docks, canals, basins, water ways and other navigable waters within the limits of the city; of the acquisition, construction, maintenance and operation of dredging machines,

scows, tugs and other machinery and appliances therefor; of the protection of the harbor from damage by silt or other causes requiring immediate action, with power to use any of the funds under its control lawfully applicable for such purposes, whether such protection work be within or without the corporate limits of the city. In the event that any such channels, slips or other water ways or waters shall be dredged, deepened, widened or cleared by any one other than the city, the materials taken therefrom shall be deposited in such place or places as the board may designate.

(e) Of all ferries, tugs, tow boats, pilot boats, steamships and other vessels and water craft owned, controlled or operated by the city, within and without the limits of the city, excepting boats equipped and used exclusively as fire boats.

Use of
tide lands
and
submerged
lands.

Sec. 173. (a) All tide lands and submerged lands within the limits of the city, as the same now or may hereafter exist, whether filled or unfilled, are hereby declared to be required for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, and shall, except as hereinafter provided, continue to be withheld for such purposes. It shall be unlawful to grant, sell, convey, alienate, transfer, or otherwise dispose of, except as herein provided, any part of, or any interest in, the water front, tide lands, submerged lands, or appurtenances thereunto belonging, owned, controlled, possessed, or held by the City of Los Angeles; provided, that grants of such lands may be made to the State of California or to the United States of America for public purposes, when authorized by a majority vote of the qualified voters of the city voting upon the question of authorizing any such grant at an election.

(b) Of the water frontage of Los Angeles Harbor ten thousand feet thereof, linear measurement, measured along the United States harbor lines, together with the necessary co-terminus and adjacent tide lands and submerged lands, as may be determined by the board, owned or controlled by the City of Los Angeles, are hereby forever reserved for public use to be improved, controlled, maintained and operated by the city.

Franchises.

(c) The Board of Harbor Commissioners, as hereinafter provided, shall have power to grant to any person, firm or corporation franchises, permits and other privileges to use the water frontage, in excess of said ten thousand feet, for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, together with the necessary co-terminus and adjacent tide or submerged lands, for periods not exceeding thirty years.

Leases.

(d) Whenever it shall be determined by the board, by order, that any part of such tide or submerged lands may not be required for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, the Board of Harbor Commissioners shall have power to grant leases of such tide or submerged lands, in excess of

said ten thousand feet reserved by the city, for periods not exceeding thirty years, for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by the City of Los Angeles.

(e) All such franchises, permits, privileges and leases shall be granted subject to such terms and conditions as may be prescribed therein and to the limitations, conditions, restrictions and reservations in this section contained. Every such grant for a definite period of time shall be made by order, which shall be published once in the same manner as ordinances of said city, and shall, in all respects, be subject to the referendum provisions of this charter relating to ordinances of said city.

Conditions governing grants.

(f) No such grant shall ever be made to any one person, firm or corporation to use any such water frontage whatever in excess of three thousand feet, linear measurement, measured along United States harbor lines; provided, however, that more than three thousand feet of such water frontage, but not exceeding five thousand feet thereof, may be so granted whenever authorized by a majority of the qualified voters of the city voting upon the question of authorizing any such grant at an election.

(g) Every such grant shall provide for the payment to the city, as compensation therefor, of either, any or all of the following: (1) A specified rental; or (2) a percentage of the gross receipts derived from or arising out of the use, operation or possession thereof, or of the lands included therein, and improvements, if any, made thereunder; or (3) a percentage of the valuation of such lands and improvements. Such payment shall be made in such manner, at such time, and upon such basis or scale, either fixed or variable, as shall be prescribed therein; provided, however, that nothing herein contained shall be construed to prevent the board from making such grants to the highest regular responsible bidder after receiving competitive bids therefor.

(h) Every such grant shall be made only upon the condition, whether expressed therein or not, that the construction of the works, structures or improvements, provided for therein, shall, if the same be not already constructed or made, be commenced within ninety days of the date of such grant, and be prosecuted diligently to completion upon such further terms and conditions as may be prescribed therein.

(i) Every such grant shall provide that in case the same, or any improvements made thereunder, or any part thereof, shall be assigned, transferred or subleased, and the control thereof be given or granted to any person, firm or corporation, so that such person, firm or corporation shall then own, hold or control, under any such grant from the city, more than the length of water frontage permitted or authorized under this charter, then such grant, and all rights thereunder, shall thereupon and thereby be absolutely terminated. No assignment,

Conditions governing grants.

transfer, sublease, gift or grant of control shall be valid for any purpose unless first approved by the Board of Harbor Commissioners.

(j) Every such grant shall be subject to such rights of way over the lands embraced therein for such sewers, pipe lines, conduits, and for such telephone, telegraph, light, heat or power lines as may from time to time be determined by the Board of Harbor Commissioners, and the same shall be subject to such rights of way for public streets and other highways and for such railroads and other means of transportation as shall have been duly established or as shall be reserved in such grant. No such grant shall ever be made that shall provide for any use of the property or for the construction or placing of any structure, building or other improvement thereon that shall interfere with any plan approved or adopted by the city for harbor improvements, or for the development of facilities for the promotion and accommodation of commerce, navigation and fishery, or for providing railroad or other terminal facilities at Los Angeles Harbor.

(k) Every such grant shall provide for a readjustment of the rental or compensation every ten years during the term thereby created, upon such procedure as shall be specified in such grant. In no case shall such readjustment decrease the amount of rental or compensation except upon the approval of the Council by resolution. At the expiration of any such grant the Board of Harbor Commissioners may, upon such terms as it deems advisable, extend the term thereof for a period not to exceed ten years: provided, that in making any such extension, no reduction in the rate or amount of rental or compensation fixed for or in effect as to such grant for and during any period next preceding such extension shall be allowed, except upon the approval of the Council by resolution.

(l) Every such grant shall prescribe that upon the expiration thereof, all wharves, piers, docks, slips, bulkheads, sea walls and channels, constructed or maintained thereunder, shall be and become the property of the City of Los Angeles without compensation therefor to the grantee or holder thereof, and as to the other permanent structures or improvements constructed or maintained thereunder, shall prescribe whether the same shall become the property of the city without compensation or upon compensation to be paid to such grantee or holder, or shall be removed by such grantee or holder at his own expense.

(m) Upon the forfeiture of any such grant, any and all buildings, structures and improvements of whatsoever character, erected, installed, or made under, through, or because of, or pursuant to the terms thereof, shall immediately ipso facto become the property of the city, and every such grant shall so provide.

(n) The method of procedure for making such grants shall be prescribed by ordinance.

Sec. 174. The Board of Harbor Commissioners shall have power to grant ^{Revocable permits.} revocable permits for the following purposes:

(a) To use limited portions of the tide and submerged lands, or any structure or appurtenance pertaining thereto, under its control and management, for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by the City of Los Angeles, upon such terms and conditions as shall be prescribed therein.

(b) To designate and assign berths or landings for the use of vessels at any wharf or other facility controlled or operated by the city, including the ten thousand feet of frontage reserved by the city for public purposes, at not less than the duly established rates or charges for the use of municipal wharves and such facilities, and subject to the rules and regulations governing the same. Every such berthing permit shall reserve to the city the right to use such wharf or other facility covered thereby for general wharf or other purposes when such space is not required for the use of the grantee or holder of the permit.

(c) To designate and assign space in any transit shed, warehouse, elevator, or like facility, including the ten thousand feet of frontage reserved by the city for public purposes, at not less than the duly established rates or charges for the use of such municipal facilities, and subject to the rules and regulations governing the same.

(d) Every such revocable permit shall prescribe that it shall be revocable, without compensation to the grantee or holder thereof, upon due notice to be stated therein, such notice in no case to exceed one year. Every such permit, excepting such as may be revocable upon thirty days, or less, notice, shall be granted by order, which shall be published once in the same manner as ordinances of said city, and shall take effect upon such publication.

(e) The method of procedure for granting such revocable permits shall be prescribed by ordinance.

Sec. 175. The Board of Harbor Commissioners shall have power to contract for or permit the operation of trains and cars upon the municipal terminal railroad of the city upon such terms and conditions as may be prescribed therein; provided, that revocable permits for the operation of such railroad may be granted as otherwise provided herein.

Sec. 176. All moneys received or collected from or arising out of the use or operation of wharves, piers, docks, slips, moles, quays, landings, elevators, cranes, derricks, warehouses, marine ways, railroads, dry docks, ferrics, steamships, vessels, tug boats and other water craft, appliances, facilities or utilities, owned, controlled or operated by the City of Los Angeles in or upon or pertaining to the water front or navigable waters of said city, all fees for pilotage, all rents or other charges for rights, privileges, permits or franchises granted for the ^{Harbor revenue fund.}

use of water frontage, tide lands or submerged lands, and appurtenances thereunto belonging, all rents or compensations for leases of such lands or appurtenances, all compensations required to be paid for franchises or licenses, or otherwise by law or ordinance or order, to the city for the operation of ferries, wharves and other public service utilities upon lands under the control and management of the Board of Harbor Commissioners, shall be deposited in the City Treasury to the credit of a fund to be known as the Harbor Revenue Fund, and shall be kept separate and apart from other moneys of the city. The Board of Harbor Commissioners shall have power to control, order and contract for the expenditure of all moneys in said fund for the purposes prescribed below. Moneys shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the Council may, in its discretion, at the time of fixing the general tax levy, by ordinance, apportion and set apart out of the moneys then in said Harbor Revenue Fund, and not appropriated to other purposes or required to meet outstanding obligations and liabilities payable out of such fund, an amount sufficient to meet, in whole or in part, sums coming due for interest and principal upon all outstanding harbor improvement bonds before the time for fixing the next general tax levy, and the City Treasurer shall use the money so apportioned to make such payments and for no other purpose, and if there shall be a surplus remaining, the same shall forthwith be retransferred into said Harbor Revenue Fund.

Use of
fund.

Except as otherwise provided in this charter, no money in said Harbor Revenue Fund shall be apportioned or used for any purpose or purposes other than the following:

(1) For the necessary expenses of conducting the Harbor Department, including the operation and maintenance of the wharves, warehouses, railroads, steamships and other vessels and water craft, and all other utilities, appliances and facilities owned, controlled or operated by the city for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith.

(2) For the acquisition, construction, completion and maintenance of sea walls, embankments, bulkheads, wharves, warehouses, railroads, steamships and other vessels and watercraft, and any and all other works, utilities, appliances and facilities for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith; for the dredging, deepening, widening and clearing of the waters and channels within the limits of the city; and for extraordinary improvements and betterments to lands and property under the control, supervision and management of said board, including the purchase of necessary lands and other property and property rights.

(3) For necessary publicity and advertising of the Port of Los Angeles.

(4) For the payment, as above provided, of the interest, or principal, or both, coming due on outstanding harbor improvement bonds.

Sec. 177. The Board of Harbor Commissioners shall present to the Council, as soon as practicable after the close of each fiscal year, a report covering the work of the Harbor Department for such fiscal year, together with such information relative to the development, improvement and operation of the harbor and other navigable waters in the city, and the commerce thereof, as it may deem of general interest. Not less than 1,000 copies of such report shall be printed for distribution at the expense of the city. Annual report.

Sec. 178. Each commissioner is hereby authorized and empowered to administer oaths and affirmation in all matters incident or pertaining to the exercise of the duties or powers of the said board. Said board is hereby authorized and empowered to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents, in any investigation, hearing or proceeding conducted by said board, in respect to any matter or thing of which said board has jurisdiction. The subpoenas authorized as aforesaid shall be issued and signed by the president of said board. The Chief of Police is hereby authorized and directed to serve or cause to be served any and all subpoenas that may be issued by said board from time to time. The Council shall, by ordinance, provide suitable penalties for disobedience of such subpoenas, and for the refusal of witnesses to testify before such board, or to otherwise comply with such subpoenas. Oaths.
Witnesses.

Sec. 179. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of this article, or of any order, rule or regulation adopted by the Board of Harbor Commissioners pursuant thereto, and any person, firm or corporation violating any of the provisions of this article, or refusing, failing or neglecting to obey or conform to any such order, rule or regulation made or issued by said Board of Harbor Commissioners, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the city jail for a period of not more than six months, or by both such fine and imprisonment, and the provisions of this charter relative to such punishment shall apply. The Board of Harbor Commissioners shall have power, in any such order, rule or regulation, to prescribe a penalty for the violation of the provisions thereof, in conformity with this section. Penalty for failure to comply with rules.

That Sec. 207 of Article XX of the charter be amended to read as follows:

Sec. 207. Every contract involving an expenditure of more than five hundred dollars shall, except in cases of urgent necessity, as provided in Section 207-a of this charter, be Contracts.

made in writing, the draft whereof shall be approved by the body, board, commission or officer authorized to make the same, and signed on behalf of the city by the Mayor, or some other person authorized thereto by resolution of the Council in the case of a contract authorized by the Council, or, in the case of other contracts, by the president or two members of the board, or commission, or the officer, as the case may be, authorized to make the same; provided, however, that the approval by the City Attorney of any such contract as to form, as required by this charter, shall be indorsed thereon before the Council, or such board, commission or officer, shall have power to approve the same; and provided, further, that every contract involving the expenditure of more than one thousand dollars shall be first authorized by a two-thirds vote of the Council, except contracts made by the Board of Library Directors, and contracts requiring payment from funds derived from the sale of water, or electric power, or bonds of the city, or from the Harbor Revenue Fund.

That Sec 207-a of Article XX of the charter be amended to read as follows:

Proposals.

Sec. 207-a. The City of Los Angeles shall not be, and is not bound by any contract, involving any expenditure of more than five hundred dollars, unless the Council, board, commission or officer, as the case may be, authorized to make the same, shall have first caused notice to be published one or more times in a daily newspaper printed and published in said city, inviting proposals to perform the same, and specifying the amount of the bond to be given for the faithful performance of the contract, and thereafter shall have let said contract to the lowest regular, responsible bidder furnishing security for its performance satisfactory to the Council, or such board, commission or officer, as the case may be. The right to reject any and all proposals shall, in every case, be reserved. Every such proposal shall be accompanied by a check certified by a responsible bank in the City of Los Angeles, payable to the order of the City of Los Angeles, for an amount not less than ten per centum of the aggregate sum of the bid, or by a satisfactory bond for the said amount, and so payable, as a guarantee that the bidder will enter into the proposed contract if the same be awarded to him. No bid shall be considered unless the same is accompanied by such check or bond. The bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city shall be rejected. If the successful bidder fails within ten days after the contract is awarded to him to enter into the same or to furnish the bond required for the faithful performance thereof, executed by the contractor and by a responsible surety company, or by two or more sufficient sureties approved by the Council, board, commission or officer, as the case may be, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city; pro-

vided, however, that the provisions of this section requiring the publication of notice inviting proposals and the letting of contracts to the lowest bidder, shall not apply to contracts previously authorized by a two-thirds vote of the Council for the performance of professional, scientific, technical or expert services, or for the furnishing of articles covered by letters patent granted by the government of the United States, or for the leasing or purchase of real property; and provided, further, that when any repairs, alterations, work or improvement under the charge of the Board of Public Works or the Board of Harbor Commissioners shall be deemed of urgent necessity by the board, it may, when authorized by resolution adopted by a vote of two-thirds of the members of the whole Council and approved by the Mayor, make a contract, in writing or otherwise, on behalf of the city, for the performance or furnishing of the labor, materials or supplies required for said purpose, without advertising for or inviting bids.

That Sec. 207-d of Article XX of the charter be amended to read as follows:

Sec. 207-d. All purchases of materials or supplies involving an expenditure of five hundred dollars or less, and required for or by any body, board, commission or officer of the city, excepting purchases made by the Board of Library Directors, and purchases requiring payment from funds derived from the sale of water, electric power, or bonds of the city, or from the harbor revenue fund, shall be made from the lowest responsible bidder, in the manner that may, from time to time, be prescribed by ordinance, through the purchasing agent of the city, when one shall have been appointed, and upon requisition delivered to him and signed by the president, or two members, of such body, board or commission, or by such officer. Other contracts, involving an expenditure of five hundred dollars or less, made by any body, board, commission or officer of the city, excepting contracts made by the Board of Library Directors, and contracts requiring payment from funds derived from the sale of water, electric power, or bonds of the city, or from the harbor revenue fund, shall be made in the manner that may, from time to time, be prescribed by ordinance; provided, however, that, in the case of urgent necessity, when the procedure prescribed by this section cannot be followed without loss to the city, any body, board, commission or officer of the city mentioned in Section 207-c of this charter, may purchase materials or supplies required for immediate use by the city, when such purchase does not exceed twenty-five dollars; provided, that such emergency purchases shall not exceed one hundred dollars for any such body, board, commission or officer, during any one month.

Purchase
from
lowest
bidder.

That Sec. 239 of Article XXIII of the charter be amended to read as follows:

Sec. 239. The provisions of this article shall apply to all departments, divisions and branches of the city government, Civil service exemptions,

Civil
service
exemptions.

including therein all employees of the city, except that the following shall be exempt therefrom, to-wit:

All officers elected by the people.

All members of the several boards and commissions.

The Mayor's Clerk.

The City Clerk.

The Chief of Police and his secretary.

The Treasurer and his chief deputy.

The City Engineer and his chief deputy.

The Tax and License Collector and his chief deputy and cashier.

The chief deputy of the Auditor.

The City Superintendent of Schools and assistants and deputies, and all teachers and employes in the School Department.

The assistants, deputies, clerk and stenographers of the City Attorney.

The City Prosecutor, and his assistants, deputies, clerks and stenographers.

The Librarian, and the heads of the several departments in the Public Library.

The Superintendent of Parks.

The Secretary of the Park Commission.

The Secretary of the Police Commission.

The Health Commissioner.

The Chief Engineer of the Fire Department.

The Chief Engineer of Waterworks, the Electrical Engineer, Auditor and Cashier of the Department of Public Service.

The Engineer and Secretary of the Board of Public Utilities.

The Traffic Manager, Secretary, Port Warden and pilots of the Harbor Department.

The Harbor Engineer and Assistant Harbor Engineer.

The Secretary of the Playground Commission.

The Purchasing Agent.

The Inspector of Public Works.

All physicians appointed by the Health Commissioner.

All officers of election.

The Police Surgeon and assistant police surgeons.

Any of the following persons may be exempted from the provisions of this article, upon the request of the head of the department in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by resolution passed by the vote of two-thirds (2-3) of all its members, to-wit: (a) The first and second deputies in any department or either of such deputies where not exempt, as above provided; (b) unskilled laborers, including drivers; (c) persons employed on the construction of public works, improvements or buildings; (d) persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character. Any exemption thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.

CHARTER AMENDMENT "H"

That Section 222-g of Article XXI of the Charter be amended to read as follows:

Sec. 222-g. No suit shall be brought on any claim for money or damages against the City of Los Angeles, its Board of Education, Board of Directors of the Los Angeles Public Library, Board of Public Works, or the Board of Public Service Commissioners, or any officer or board or commission of the city until a demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is otherwise provided by law, all claims for damages against the city must be presented within six (6) months after the occurrence from which the damages arose, and all other claims or demands shall be presented within six (6) months after the last item of the account or claim accrued. Nor shall suit be brought against said city, or any board, officer or commission thereof, upon any claim or demand that has been in whole approved and audited as provided herein; provided, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the City Council, or any board, commission or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

CHARTER AMENDMENT "I"

That Section 207-e of Article XX of the Charter be amended to read as follows:

Sec. 207-e. Any real property owned by the City of Los Angeles that is no longer required for the use of the city, may, subject to the limitations and exceptions elsewhere prescribed in this charter, be sold, either in the whole or in part, under such terms and conditions, and under such procedure as the Council may by ordinance prescribe; provided, however, that any real property proposed to be sold that is under the control of any board or commission authorized by this charter or by law to acquire, hold or control real property shall not be sold except at the request or with the approval of the board, commission or officer having the management of such department, and the proceeds of such sale shall be paid into the city treasury and placed in the fund of the department having control of such property.

CHARTER AMENDMENT "J"

That Section 30-a of Article III of the Charter be amended to read as follows:

Sec. 30-a. No building or any part thereof of a height exceeding 150 feet shall be erected within that portion of the city described as follows: Bounded on the north by Temple Street, on the east by San Pedro Street, on the south by Pico

Street and on the west by Figueroa Street; and no building or any part thereof of a height exceeding 150 feet shall be erected in any portion of the city outside of said district unless authorized by an ordinance passed by two-thirds vote of the Council.

CHARTER AMENDMENT "K"

That a subdivision be added to Section 234 of Article XXIII of the Charter of the City of Los Angeles to be designated as (a) and to read as follows:

Civil
service
credits to
veterans.

(a) In all original examinations, held pursuant to this Charter, the Civil Service Commission shall, in addition to all other credits, give a credit of ten percent of the total credits specified for such examinations, to all soldiers, sailors or marines who have served in the United States Army, Navy, Marine Corps or in any division thereof, in time of war and are honorably discharged, or are honorably discharged from active service, although then on the reserve list, and also to the wife of any such honorably discharged soldier, sailor or marine who while engaged in such service in time of war was wounded or crippled and thereby prevented from engaging in any remunerative occupation, and also to the widow of any soldier, sailor or marine killed in such service.

CHARTER AMENDMENT "L"

That Section 239 of Article XXIII of the Charter be amended to read as follows:

Civil
service
exemptions.

Sec. 239. The provisions of this article shall apply to all departments, divisions and branches of the city government, including therein all employees of the city, except that the following shall be exempt therefrom, to wit:

All officers elected by the people.

All members of the several boards and commissions.

The Mayor's Clerk.

The City Clerk.

The Chief of Police and his secretary.

The Treasurer and his chief deputy.

The City Engineer and his chief deputy.

The Tax and License Collector and his chief deputy and cashier.

The chief deputy of the Auditor.

The City Superintendent of Schools and assistants and deputies, and all teachers and employees in the School Department.

The assistants, deputies, clerks and stenographers of the City Attorney.

The City Prosecutor, and his assistants, deputies, clerks and stenographers.

The Librarian, and the heads of the several departments in the Public Library.

The Superintendent of Parks.

The Secretary of the Park Commission.

The Secretary of the Police Commission.

The Health Commissioner.

The Chief Engineer of Waterworks, the Electrical Engineer, Auditor and Cashier of the Department of Public Service.

The Engineer and Secretary of the Board of Public Utilities.

The Secretary of the Playground Commission.

The Purchasing Agent.

The Inspector of Public Works.

All physicians appointed by the Health Commissioner.

All officers of election.

The Police Surgeon and assistant police surgeons.

Any of the following persons may be exempted from the provisions of this article, upon the request of the head of the department in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by resolution passed by the vote of two-thirds (2-3) of all its members, to-wit: (a) The first and second deputies in any department or either of such deputies where not exempt as above provided; (b) unskilled laborers, including drivers; (c) persons employed on the construction of public works, improvements or buildings; (d) persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character. Any exemption thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.

CHARTER AMENDMENT "M"

That Section 238 of Article XXIII of the Charter be amended to read as follows:

Sec. 238. The head of a department in which a position in the class of unskilled laborers employed by the day is to be filled, shall notify said Commission of that fact, and said Commission shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board. Certification of candidates.

The head of a department in which one or more positions, classified under this article, except positions in the class of unskilled laborers, are to be filled, shall notify said Commission of that fact, and said Commission shall certify to such officer the name and address of one or more candidates, not exceeding three, for each position to be filled, who stand highest on the register for the class or grade to which said positions belong and said appointing officer or department shall fill such places from the names certified to him or it by said Commission therefor. Provided, however, that when two or more positions are to be filled at the same time said Commission shall not certify to such officer more than two names and addresses over and above the number of positions to be filled. In making such certification, sex shall be disregarded, except when some statute, the rules of said Commission, or the appointing power specify sex. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed, or other-

wise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said Commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed may discharge him upon assigning in writing the reasons therefor to said Commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the Commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.

State of California, }
 County of Los Angeles. } ss.

Certificate.

This is to certify that we, the undersigned, Meredith P. Snyder, Mayor of the City of Los Angeles, State of California, and Orfa Jean Shontz, City Clerk of said city, do hereby certify as follows, to-wit: That the foregoing proposed and ratified amendments to the charter of said City of Los Angeles submitted to the electors of said city, at a special election held on the 2nd day of November, 1920, have been compared by them and each of them with the respective proposed amendments set forth in the resolution adopted by the Council, as hereinbefore stated, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them, is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Los Angeles, this 8th day of January, 1920.

MEREDITH P. SNYDER,
 Mayor of the City of Los Angeles.

ORFA JEAN SHONTZ,
 City Clerk of the City of Los Angeles.

[SEAL]

Now, therefore, be it

Approved by
 legislature.

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein), that said amendments to the charter of the city of Los Angeles as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be, and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as a part of the charter of the city of Los Angeles.

CHAPTER 6.

Senate Concurrent Resolution No. 2—Approving the charter of the city of Fresno, State of California, ratified by the qualified electors of said city at the general election held on the second day of November, one thousand nine hundred twenty.

[Filed with Secretary of State January 21, 1921.]

WHEREAS, The city of Fresno in the county of Fresno, ^{Fresno} State of California, now is, and was at all times herein ^{city} referred to, a city containing a population of more than ^{charter.} three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States; and

WHEREAS, Said city of Fresno, at all times herein mentioned, was and now is organized and existing under a freeholders' charter adopted under and in accordance with the provisions of section eight of article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city on the nineteenth day of October, 1899, and approved by the legislature of the State of California on the twenty-eighth day of January, 1901, and as amended by amendments duly adopted and ratified by a majority of the qualified electors of said city on the thirteenth day of February, 1905, and approved by the legislature of the State of California on the twenty-eighth day of February, 1905; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a new charter for said city of Fresno, as set out in the certificate of the mayor and city clerk of said city of Fresno, as follows, to wit:

City of Fresno,	} ss.
County of Fresno,	
State of California.	

We, the undersigned, W. F. Toomey, mayor of the city of Fresno, State of California, and Chas. Dillon, city clerk of said city, do hereby certify and declare as follows:

That the city of Fresno in the county of Fresno, State of California, now is, and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States.

That said city of Fresno, at all times herein mentioned, was and now is organized and existing under a freeholders' charter adopted under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city on the nineteenth day of October, 1899, and approved by the legislature of the

Fresno
city
charter.

State of California on the twenty-eighth day of January, 1901, and as amended by amendments duly adopted and ratified by a majority of the qualified electors of said city on the thirteenth day of February, 1905, and approved by the legislature of the State of California on the twenth-eighth day of February, 1905.

That pursuant to the provisions of section eight of article eleven of the constitution of the State of California, the board of trustees of the city of Fresno, said board of trustees being then and there the legislative body of said city, did by a two-thirds vote of all its members, pass an ordinance calling a special election to be held on Tuesday, the thirtieth day of March, 1920, for choosing a board of fifteen freeholders to frame, prepare and propose a new charter for said city of Fresno; that at said election held on said day a board of fifteen freeholders, all of whom were electors of said city of Fresno, and had been such electors for more than five (5) years next preceding their election and eligible as candidates under said election, was elected in and by the qualified electors of said city of Fresno, which said board, within one hundred and twenty (120) days after the result of said election was declared, duly prepared and proposed and did, on the twenty-eighth day of July, 1920, file in the office of the city clerk of said city of Fresno, a new charter for the government of said city, and did prior to the filing of said charter, fix Tuesday, the second day of November, 1920, as the day and date on which said charter should be submitted to the electors of said city, which said Tuesday, the second day of November, 1920, was designated upon said charter as the day and date upon which an election should be held in said city of Fresno, at which election said proposed charter should be submitted to the electors of said city for ratification; that said proposed charter and said designation for the date for the submission thereof to the qualified electors of the city of Fresno for ratification, were duly signed by a majority of the members of said board of freeholders.

That thereupon said mayor and said board of trustees duly caused said charter to be submitted to the electors of said city for ratification at the general election held on Tuesday, the second day of November, 1920, and did within fifteen (15) days after the filing of said charter in the office of said city clerk cause the same to be published once on the seventh day of August, 1920, in "The Fresno Herald," a newspaper of general circulation printed and published in said city, and caused copies of said charter to be printed in convenient pamphlet form, and until the date fixed for the election upon such charter, advertised in "The Fresno Herald," a newspaper of general circulation printed and published in said city, a notice that said copies of such charter could be had at the office of the city clerk upon application therefor; that said election was duly and regularly held on Tuesday, the second day of November, 1920, and at such election, a majority of the qualified voters

voting thereon voted in favor of such proposed charter, and the board of supervisors of the county of Fresno, State of California, at a meeting held in the manner required by law, canvassed the returns of said election and the clerk of said board of supervisors duly returned to the board of trustees of the city of Fresno a certified copy of said return so canvassed as aforesaid, and said board of trustees of the city of Fresno thereupon duly found, determined and declared that a majority of the electors of the city of Fresno, voting thereon, had voted for and ratified said charter. That said charter, after the same was prepared, proposed and ratified as herein set forth, is as follows, to wit:

Fresno
city
charter.

“PROPOSED CHARTER OF THE CITY OF FRESNO.

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PROPOSED

CHARTER OF THE CITY OF FRESNO

ARTICLE I

Boundaries, Powers, Rights and Liabilities

SECTION 1. BOUNDARIES AND POWERS. The municipal corporation now existing, known as the City of Fresno, with boundaries the same as the existing boundaries of said City of Fresno (which boundaries may be enlarged in accordance with the laws of the State of California), shall remain and continue and be a body politic and corporate in name and in fact, by the name of the City of Fresno, and by that

Boundaries
and
powers.

Boundaries
and
powers.

name shall have perpetual succession, and shall be and hereby is empowered as follows:

To sue and defend in all courts and places, and in all matters and proceedings whatsoever.

To have and use a common seal, and the same alter at pleasure.

To purchase, lease, receive, and otherwise acquire real and personal property within and without the City of Fresno, and to hold, manage, control and enjoy all property now owned or hereafter acquired by said city, and to sell, lease, convey, and otherwise dispose of property now owned or hereafter acquired by said city, and to make all needful rules and regulations in respect to such property.

To receive bequests, gifts, devises and donations of all kinds of property within and without the city in fee simple, or in trust for charitable or other purposes, and to do all acts necessary to carry out the purposes of such bequests, gifts, devises and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift, devise, donation or trust.

To determine and declare what are public uses and when the necessity exists for condemning lands or other property therefor, and what lands or other property it is necessary to condemn, including lands and other property both within and without said city.

To define, establish, acquire, lease and operate or cease to operate and to dispose of, public utilities and quasi public utilities in the manner hereinafter in this charter provided.

To regulate and grant franchises to public utilities and quasi public utilities as hereafter in this charter provided, including the right at its option to authorize the Railroad Commission or other body to regulate public utilities within the city in the manner provided by the Constitution and laws of the State of California.

To assess, levy and collect taxes for general and special purposes on any or all of the subjects or objects which the city may lawfully tax.

To license for purposes of revenue and regulation, or revenue or regulation, all businesses, occupations, trades, professions, enterprises and projects and persons engaged therein, and for said purposes to assess, levy and collect license fees and license taxes upon all such businesses, occupations, trades, professions, enterprises and projects and persons engaged therein.

To borrow money and to issue and sell bonds or notes on the faith and credit of the city for money borrowed.

To appropriate money of the city for all lawful purposes.

To provide and construct, regulate and maintain all things in the nature of public works and improvements.

To define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, government, safety, conven-

ience and welfare of the inhabitants of the city, and all nuisances and causes thereof.

Boundaries
and
powers.

To regulate and control the use of the streets, alleys, and other public places within said city.

To create, establish, abolish and organize city offices, and to fix the salaries and compensation of all officers and employes, except as otherwise provided in this charter.

To make and enforce all local police, sanitary and other regulations.

To enact such ordinances as may be deemed expedient for maintaining and promoting the peace, good government and welfare of the city and for the performance of the functions thereof.

To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided, however, that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise and consent to any and all rights, powers and provisions heretofore or hereafter granted or prescribed by general laws of the State, even though such laws relate to municipal affairs, and as to matters which do not come within the definition of municipal affairs, the city shall be subject to general laws of the State of California where such laws exist, and, as to any subject upon which no general law exists, the city shall have power to legislate until a general law is enacted.

To do and perform any and all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants which are not specifically forbidden by the Constitution of the State of California, and which now or hereafter it would be competent for this charter specifically to enumerate, subject only to the restrictions and limitations contained in this charter, and no enumeration or specific statement in this charter of any particular powers shall be held to be exclusive or a limitation of this general grant of power.

Where the exercise of any of the foregoing powers is restricted or limited in this charter, such powers may be exercised only in accordance with such restrictions or limitations.

Sec. 2. **TITLE. WHERE VESTED.** The public buildings, lands and property, and all rights of property, and rights of action, all moneys, revenues, and income belonging or appertaining to the City of Fresno, are hereby declared to be vested in said City of Fresno.

Sec. 3. **CONTINUATION OF RIGHTS AND LIABILITIES.** The said City of Fresno shall continue under this charter, to have, hold, use and enjoy all public buildings belonging to the City of Fresno, and lands and property, real and personal, rights of property, rights of action, suits, actions, moneys, revenues, income, books, documents, records, archives,

claims, demands, and things in possession and action, of every nature and description, and shall be subject to all the obligations, debts, liabilities, dues, and duties of the existing municipality.

Suits.

Sec. 4. SUITS. Suits, actions and proceedings may be brought in the name of the City of Fresno for the recovery of any property, money, or thing, belonging thereto, in law or equity, or dedicated to public use by the city, and for the enforcement of any rights of, or contracts with, said City of Fresno, whether made or arising or accruing before or after the adoption of this charter; and all existing suits, actions, and proceedings in the courts or elsewhere, to which said city is a party, shall continue to be carried on by or against the said City of Fresno.

Damage claims.

Sec. 5. DAMAGE CLAIMS. No recourse shall be had against the city for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street, avenue, lane, alley, court or place, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall, with their sureties, be jointly and severally liable to the party injured for the damage sustained, if any liability exists therefor under the State laws.

ARTICLE II.

Legislative Department.

City commission.

Sec. 6. CITY COMMISSION, ORGANIZATION. Except as otherwise expressly provided in this charter, the legislative power of the city and general administrative control of the city government and the custody and control of the property of the city shall be vested in a City Commission consisting of five members and to be known as City Commission of the City of Fresno and referred to in this charter as City Commission or Commission. Said Commission shall be composed of the Commissioner of Public Safety and Welfare and ex-officio Mayor, the Commissioner of Finance, the Commissioner of Public Works, and two additional commissioners to be known as

Legislative Commissioners. Said Commissioners shall be at least twenty-five years of age and residents and qualified electors of the city and shall forfeit their offices upon ceasing to reside in the city or upon conviction of malfeasance in office, or upon conviction of any felony or any crime involving moral turpitude. All commissioners shall be elected from the city at large. All commissioners other than Legislative Commissioners, shall devote their entire time and service to their official duties. Each of the commissioners present at any meeting shall vote upon all matters coming before such meeting, unless legally disqualified.

Sec. 7. VACANCIES. Any vacancy occurring in the membership of the City Commission shall be filled by the majority vote of the remaining commissioners, and the person appointed shall have the qualifications prescribed by this charter for the commissionership to which he is appointed, and shall hold office until the election and qualification of a commissioner to fill the vacancy, which election shall take place at the next general municipal election, and unless such election is the regular time for voting for such officer, the person elected shall continue in office only for the unexpired portion of the term of the commissioner whose place is to be filled. In case the commissioners in office cannot agree among themselves within sixty days as to the appointment to fill the vacancy, the Police Judge (or if there is more than one Police Judge, then the Police Judge who received the highest number of votes at the time of his election) at the next regular meeting after said sixty day period has expired or at any subsequent meeting until the vacancy is filled, shall sit with the remaining members of the City Commission for the purpose of filling the vacancy and be entitled to vote in said City Commission for that purpose. Vacancies.

Sec. 8. MEETINGS. RULES, RECORDS. The City Commission shall meet at the place where the legislative body of the city usually meets, at the hour of 8 o'clock p. m. on the first Monday after the election of its members shall have been officially declared, and thereafter shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet not less than once each week. The manner of calling special meetings shall be determined by ordinance. Regular meetings falling upon a holiday shall be held on the next succeeding day unless the Commission otherwise directs in its minutes. It shall be lawful, however, for the Commission to meet and transact any of its business on any legal holiday, and any business so transacted shall be as valid as if transacted on any other day. The Commission shall determine its own rules and order of business, and shall keep minutes and records of its proceedings. All meetings of the Commission shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. Meetings.

Procedure.

Sec. 9. PROCEDURE. The Commission shall be judge of the election and qualification of its members. A majority of all members shall constitute a quorum to do business. The affirmative vote of a majority of the members of the Commission shall be necessary to adopt any ordinance or resolution, provided, however, that where this charter requires a larger affirmative vote in any case, such special provision shall govern. The vote upon the passage of all ordinances and upon the adoption of such resolutions as the Commission by its rules shall prescribe shall be taken by ye and nay vote, and entered upon the minutes. The Mayor shall preside at the meetings of the Commission, but in his absence the Commissioner of Finance, or in the absence of the Commissioner of Finance also, the Commissioner of Public Works, shall preside. The Commission shall have power to punish its members for disorderly conduct in its presence. The Commission shall also have power to compel the attendance of witnesses and the production of all papers relating to any business before that body, and may punish any disobedience of its subpoena, or contemptuous or disorderly conduct committed in its presence, by fine not exceeding \$200.00, or imprisonment not exceeding five days, or by both such fine and imprisonment.

Powers and jurisdiction.

Sec. 10. POWERS AND JURISDICTION OF CITY COMMISSION. Subject to the provisions and restrictions in this charter contained, and the delegation by this charter of any of the powers of the city to any person, officer or board, which delegation of power, if any, shall control, the City Commission is hereby vested with power to exercise and perform each and all of the powers conferred upon the city by this charter whether legislative or administrative, and to enact all ordinances and to make all rules and regulations which shall be necessary or proper for carrying into execution the powers conferred upon the city. The City Commission, by the affirmative vote of four members, may create such additional boards, commissions and offices, other than those provided for in this charter, as it may deem necessary for the government of the city, and may prescribe their duties, powers, functions and limitations. The Commission shall provide for each department and board in the city government such subordinate officers and employees as may be necessary for the efficient administration of such departments and boards, and shall fix and regulate the charges and fees of all city officers and employees and compel the payment of such charges and fees into the City Treasury. The City Commission shall have power to decide by the affirmative vote of at least three of its members any conflict of jurisdiction that may arise between the various departments of the city government, or any officers or boards in the city government, and may assign new functions to any department, board or officer, and may transfer functions and duties from any department, board or officer, to another, except the primary functions and duties prescribed

by this charter to be exercised by such department, board or officer. The City Commission shall have general administrative control over all departments, boards and officers, in the performance of their duties, except the Board of Education and the officers and employees under it, and may direct them in the performance of their duties, but such directions shall be given through the commissioner under whose jurisdiction said department, board or officer exists where there is a commissioner with jurisdiction thereover.

Sec. 11. **METHOD OF ACTING.** Legislative acts of the City Commission shall be by ordinance; other acts thereof may be by resolution, upon motion, or other customary and lawful method. The enacting clause of all ordinances shall be in these words: "The Commission of the City of Fresno ordains as follows:" No ordinance shall be amended by reference to its title only, but when any ordinance is amended, the section, or, if subdivided, the subdivision amended, shall be set out in full as amended. Every ordinance shall have a title briefly stating the general subject thereof. The passage of ordinances by the City Commission shall be subject to the provisions of this charter relating to the initiative and referendum.

Sec. 12. **CONTRACTS, AUTHORIZATION AND SIGNATURE.** No contract calling for an expenditure of more than \$1000.00 shall be effective, unless authorized by the affirmative vote of three members of the City Commission, except where otherwise provided by law or this charter. Contracts shall be signed by the commissioner or chairman of the board under whose jurisdiction the same are let, unless otherwise prescribed by the City Commission, or by law.

Sec. 13. **MAYOR'S GENERAL FUND.** The City Commission shall appropriate a sum of not more than \$1000.00 annually to be placed at the disposal of the Mayor and to be known as the Mayor's General Fund and to be used in such ways as to him shall seem best for the interests of the city, of which sum no accounting shall be required of him.

Sec. 14. **FINES AND PENALTIES.** The City Commission may prescribe fines, forfeitures and penalties for the breach of an ordinance or other municipal rule or regulation, but no such fine or other pecuniary penalty shall exceed \$299.00 in amount, and no penalty of imprisonment shall exceed ninety days, but such punishment may be by both such fine and imprisonment: provided, that the violation of any ordinance of the city shall constitute a misdemeanor and may be prosecuted by the authorities of the city in a criminal action in the name of the People of the State of California, or be redressed in a civil action in any court of competent jurisdiction in the name of the city, at the option of the city authorities.

Sec. 15. **CODIFICATION OF ORDINANCES.** The City Commission, as often as it deems necessary, may classify and codify under appropriate heads all ordinances in force and cause the same to be published with the charter in book or

pamphlet form for the use of the city, its officers, and the public.

City Clerk.

City
clerk.

Sec. 16. APPOINTMENT AND DUTIES. The City Commission shall have a clerk to be known as the City Clerk. The City Clerk shall be appointed by the City Commission and shall hold office at its pleasure and may be removed by a majority vote of the whole membership of the Commission. He shall receive a salary to be fixed by the City Commission and shall devote his entire working time to the business of the city. The City Clerk shall have the custody of and be responsible for the corporate seal, and shall have power to administer oaths and affirmations in any matter relating to the business of the city, and shall have such other powers and perform such other duties as are provided by law or are prescribed by the City Commission.

ARTICLE III.

Civil Service Board.

Civil
service
board.

Sec. 17. ORGANIZATION, CHIEF EXAMINER. The City Commission shall appoint a Civil Service Board consisting of three public spirited electors of the city, each at least twenty-five years of age. The members of such board shall hold office at the pleasure of the City Commission expressed by the affirmative vote of four members, and vacancies shall be filled by the City Commission by the affirmative vote of three members. The members of such board shall have the right to propose to the City Commission the names of persons to fill vacancies but the City Commission shall not be limited in its selections to such nominees. Quarters for the Civil Service Board and necessary clerical help and supplies shall be provided by the City Commission. The Civil Service Board shall organize as soon as practicable after its appointment by selecting one of its members as chairman. The Civil Service Board shall appoint by a majority vote an executive officer to be known as Chief Examiner and who shall also act as secretary of the board. He shall be at least twenty-five years of age and shall have such educational and administrative qualifications and experience as in the judgment of the Civil Service Board shall fit him to perform the duties of the office, shall receive a salary to be fixed by the City Commission upon recommendation of the Civil Service Board, and shall hold office at the pleasure of the Civil Service Board. He shall perform such duties as may be prescribed by the Civil Service rules and by the Civil Service Board. Unless otherwise provided by ordinance, the Chief Examiner shall not be appointed from the membership of the Civil Service Board.

Civil
service
rules.

Sec. 18. CIVIL SERVICE RULES. Within four months after the first Civil Service Board is appointed, it shall prepare and present to the City Commission a set of Civil Service rules providing for the classification of all officers and employees of the city, and for the making of appointments to such offices and

employments so far as lawful and practicable as the result of open competitive examinations, and where that is not practicable, except in those cases where it is otherwise provided by law, shall prescribe such tests as may best determine the fitness of applicants for the office or employment. No person shall be appointed to office in the City of Fresno for political or religious reasons or because of relationship to any officer in the city service, but solely on merit because of his fitness to perform the duties of the office or employment, and the rules prepared by the Civil Service Board shall contain suitable provisions for the carrying out of this principle. The rules may also provide for the covering into the classified service of the city without examination, of such officers and employees in the city service at the time of the adoption of such rules as may be deemed best. The Civil Service rules shall make provision for the exemption of such officers and employees from appointment through examination or other tests provided by such rules as may be deemed best, and there shall be included in such exemptions all elective officers, the City Attorney, members of the Board of Health, Health Officer, City Assessor, if any, City Tax Collector, if any, City Treasurer, if any, Superintendent of Schools, and teachers whose appointments are otherwise provided for by law.

Sec. 19. CIVIL SERVICE RULES, CONTINUED. In addition to the foregoing matters, the Civil Service rules shall provide:

1. That there shall be a period of probation before any absolute appointment or employment.

2. That no person in the city service is for that reason under any obligation to contribute to any political fund or to render any political service and that he will not be removed or otherwise prejudiced for refusing to do so.

3. That no person in the city service has any right to use his official authority or influence to coerce the political action of any person or body.

4. Suitable regulations governing promotions, transfers and reinstatements in the competitive service and temporary appointments and employments.

5. That appointing officers shall give notice to the Civil Service Board of selections for appointment or employment, of rejections after probation, of transfers, resignations and removals, and the date thereof, and a record of the same shall be kept by the board.

6. For the regulation of removals from office subject to the provisions of this charter.

Sec. 20. TIME EXTENSION, ADOPTION AND MODIFICATION OF CIVIL SERVICE RULES. The time aforesaid for the drafting of said rules may be extended by the City Commission if in its judgment such extension is necessary, but such extension of time shall not exceed an additional four months. The City Commission, by ordinance, shall approve the Civil Service rules adopted by the Civil Service Board, with such modifications as the City Commission may

see fit to make, and, after such rules shall have been so adopted, they may not thereafter be amended or changed except by the affirmative vote of four of the members of the Commission upon the recommendation of the Civil Service Board.

Political
activity
prohibited.

Sec. 21. **POLITICAL ACTIVITY PROHIBITED.** No officer or employee of the city shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any officer, clerk, or employee of the city. No person shall in any room or building occupied in the discharge of official duties by any officer or employee of the city, solicit or receive directly or indirectly, in person or by correspondence, in any matter whatever, any contribution of money or any other thing of value for any political purpose whatever. No officer or employee of the city shall discharge, promote or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for the giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, nor shall any officer or employee of the city give or hand over to any other officer or employee of the city any money or other valuable thing on account of or to be applied to the promotion of any political object whatever. No officer or employee in the city government shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. Persons in the competitive classified service of the city, while retaining the right to vote as they please and to express privately their opinion on all political subjects, shall take no active part in political management or in political propaganda or campaigns. No discrimination shall be exercised, threatened or promised by any officer or employee of the city against or in favor of an applicant, eligible, officer or employee in the service of the city because of his political or religious opinions or affiliations. No officer or employee of the city shall become a party worker or solicitor or active partisan, nor solicit any funds to be used for a political purpose. Any person who shall violate any of the provisions of this section, or any of the provisions of the Civil Service rules shall be guilty of a misdemeanor and shall be punished by fine not exceeding \$300.00, or by imprisonment not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

Removals.

Sec. 22. **REMOVALS, PROCEDURE.** No officer or employee of the city may be removed except for reasons that will promote the efficiency of the public service; and after the lapse of the probationary period, except as in this charter otherwise provided, no officer or employee may be removed except for reasons given in writing by the appointing officer, and the person whose removal is sought shall be furnished with a copy of the reasons for his removal and of any charges preferred against him and be allowed a reasonable time for per-

sonally answering the same in writing, and in such answer may demand a hearing upon the charges. If such demand is made, the appointing officer shall furnish the Civil Service Board with the complaint or charges and answer, and the Civil Service Board shall then fix a time and place for, and, according to such rules and regulations as it may adopt, shall conduct a hearing upon the charges and answer, and the party whose removal is sought shall attend such hearing and may be heard in person or by attorney and produce witnesses. The Civil Service Board may regulate the conduct of said hearing so that the same will not be unnecessarily prolonged, and may confine witnesses in their testimony to the material matters under consideration, and shall not be bound by the technical rules of evidence and pleading, and upon said hearing the Civil Service Board may order the charges to be dismissed, in which case the officer or employee shall be restored to duty without prejudice, but if the charges are sustained, the officer or employee shall by virtue of said findings be removed unless the finding in either case is set aside by the City Commission. There shall be no appeal from the judgment of the Civil Service Board as a matter of right on the part of the appointing officer or the officer or employee whose removal is sought, but the City Commission shall have power in its discretion to hear and determine appeals from the decisions of the Civil Service Board. If the officer or employee whose removal is sought is in the exempted service of the city, the hearing, if demanded, shall be conducted in a similar manner, but by the City Commission instead of by the Civil Service Board. Pending the hearing of any charges, whether before the Civil Service Board or City Commission, the officer seeking to make the removal may suspend the officer or employee whose removal is sought, such suspension to be without pay, unless the charges are dismissed. The foregoing provisions in this section contained do not apply to elective officers or to officers and employes under the Board of Education whose appointment and removal is governed by the laws of the State. The City Commission may itself prefer charges against elective officers who have been convicted of any crime involving moral turpitude, or who have been convicted of malfeasance in office, or of a felony, and may compel such officers to answer such charges and conduct a hearing thereon, and if the charges are sustained may, by the affirmative vote of three of its members, declare the office vacant, and, pending the hearing, the City Commission may suspend the officer against whom the charges are preferred, such suspension to be without pay, unless the charges are dismissed. The reasons for the removal of an officer or employee removed during his probationary period shall be stated in writing and a copy thereof shall be furnished to the probationer, but the probationer shall not be entitled to any hearing. It is not the intention of the provisions of this section to warrant the retention in the city service of any inefficient, incapacitated, disgruntled, or insubordinate officer

Removals.
procedure.

or employec, and the Civil Service Board and City Commission in their decisions, while protecting officers and employees from improper removals, shall have due regard for the interests of good administration of the city's business.

ARTICLE IV.

Department of Public Safety and Welfare.

Depart-
ment of
public
safety and
welfare.

Sec. 23. ORGANIZATION, COMMISSIONER, MAYOR, JURISDICTION AND POWERS. There is hereby created a Department of Public Safety and Welfare. There shall be a head of this department to be known as the Commissioner of Public Safety and Welfare, and, by virtue of his office, he shall also be Mayor. As Mayor he shall preside at the meetings of the City Commission as provided in Sec. 9 of this charter, and shall perform such other duties as may be determined by the City Commission. He shall be recognized as the official head of the city for all ceremonial purposes, shall be the officer upon whom legal writs and process running against the city shall be served. He shall have the powers of a peace officer and shall be recognized as the head of the city government by the Governor for military purposes, and in time of public danger, of which he shall be the judge, he may take command of the police and maintain order and enforce the laws, and may call upon the citizens for assistance, or the Governor for military aid in so doing.

The Mayor shall be the general residuary of power to sign contracts and other instruments in writing in connection with the city's business, the signing of which does not come within the duties of some other department, board or officer, and shall sign and acknowledge all deeds for conveyances of the property of the city. The Mayor, from time to time, shall inform the City Commission in writing relative to the state of the city and shall recommend such measures as he shall deem beneficial for the city's interests.

During the absence or disability of the Mayor, the duties of the Mayor as such shall be performed by the Commissioner of Finance, or in case of his absence or disability also, by the Commissioner of Public Works, and in the absence of all of them by such officer as may be designated for the purpose by the City Commission.

As Commissioner of Public Safety and Welfare, said Commissioner shall have charge of the administration of the Police Department; Fire Department; parks, playgrounds; city planning works; charities and other matters of social service; matters pertaining to public health and sanitation, through the Board of Health; and, with the assistance of the City Attorney, shall have charge of the legal affairs of the city and the enforcement of all laws, ordinances and charter provisions the enforcement of which is not committed by this charter or by ordinance to other departments, boards or officers, or which do not come within the jurisdiction of some other department,

board or officer in the city government. Said Commissioner, subject to the directions of the City Commission, shall also be the custodian of all city property, the custody of which is not committed to other departments, boards or officers, or necessary to be reposed in other departments, boards or officers in the discharge of their duties. Subject to the control of the City Commission, the Commissioner of Public Safety and Welfare shall have charge of the administration of all city business not committed by this charter or by ordinance to some other department, board or officer, and shall exercise such other jurisdiction and perform such other functions as may be determined by the City Commission.

At least once a month, the Commissioner of Public Safety and Welfare, together with the Commissioner of Finance, shall count the cash in the City Treasury, and see that it corresponds with the books of the Treasurer and the Commissioner of Finance, and report the result of such count to the City Commission.

Said Commissioner shall appoint and exercise administrative jurisdiction over such subordinate officers and boards as are authorized in this Article, and as may be authorized and provided for the Department of Public Safety and Welfare by the City Commission.

Sec. 24. QUALIFICATIONS. The Commissioner of Public Safety and Welfare shall be an elector experienced in public or private executive or administrative work of large magnitude, or otherwise largely experienced in private business or governmental affairs.

Police and Fire Department

Sec. 25. DEPARTMENTS CREATED, ORGANIZATION AND PERSONNEL. There shall be under the control and management of the Commissioner of Public Safety and Welfare a Police Department consisting of a Chief of Police and such subordinate officers and employees as may be determined by the Commission, and a Fire Department, consisting of a Chief Engineer and such subordinate officers and employees as may be determined by said Commission. The Chief of Police and the Chief Engineer of the Fire Department shall be appointed by the Commissioner of Public Safety and Welfare in accordance with the rules governing the competitive Civil Service. Subordinate officers and employees of the Police and Fire Departments shall be appointed by the Commissioner of Public Safety and Welfare, either directly or through the Chief of Police and Chief Engineer of the Fire Department, respectively, and in accordance with the rules governing the competitive Civil Service.

The Fire Department shall be organized, established and maintained on the basis of the two platoon system.

Except in cases of extraordinary emergency, eight hours shall constitute a day's work for all members of the Police Department.

Subject to the other provisions of this charter, the said Commission shall provide for the details of the organization and regulation of the Police and Fire Department and is authorized to create a Fire Prevention Board in connection with the Fire Department. The Commissioner of Public Safety and Welfare may make rules and regulations for the government of said departments not in conflict with this charter, or the city ordinances.

Sec. 26. RELIEF AND PENSION FUNDS. The City Commission shall by ordinance provide for and establish a fund or funds for the relief and pensioning of members of the Police and Fire Departments who have been disabled or become superannuated in the service of the city, and shall provide for the administration of such fund or funds.

City Planning

City
planning.

Sec. 27. ADMINISTRATIVE JURISDICTION OVER. If a City Planning Board is created by the City Commission to have jurisdiction over the matter of city planning, the Commissioner of Public Safety and Welfare shall be a member and active chairman of such board and attend the meetings of such board, and, until such board is created, shall have administrative jurisdiction over the matter of city planning, and shall make such recommendations to the City Commission as he may think best for the intelligent and practical planning of the city, and shall administer and enforce all laws and ordinances on the subject of city planning.

Social Service Board

Social
service
board.

Sec. 28. ORGANIZATION. There shall be a Social Service Board, consisting of five members, of whom the Commissioner of Public Safety and Welfare shall be one, and he shall act as active chairman of such board and attend its meetings. The other four members of such board shall be electors of the city who have knowledge and experience in sociological and welfare problems, and shall serve without compensation, and shall be appointed by and serve during the pleasure of the Commissioner of Public Safety and Welfare. The Board shall have such subordinate officers and employees as may be authorized by the City Commission.

Sec. 29. JURISDICTION. The Social Service Board shall have charge of all matters appertaining to the care and relief of the needy, the establishment in its discretion and subject to the approval of the City Commission, of employment bureaus, day nurseries, and the like, and of the administration thereof when established, and such other welfare work as may be assigned to the board by the Commissioner of Public Safety and Welfare or City Commission.

The board shall have charge of the expenditure of such relief funds as may be assigned to its jurisdiction by the City Commission. The Social Service Board may receive, manage,

and disburse gifts from private individuals and other sources for welfare purposes.

Parks and Playgrounds

Sec. 30. **METHOD OF ADMINISTRATION.** The Commissioner of Public Safety and Welfare shall give personal attention to the administration of the parks and playgrounds of the city now or hereafter established to the end that the people of the city may realize the greatest possible benefit from these institutions. He may appoint, in accordance with the Civil Service rules, a Superintendent of Parks and Playgrounds to assist him in the administration of these institutions, or, if necessary, a Superintendent of Parks and a Superintendent of Playgrounds, and such subordinate officers and employees as may be authorized by the City Commission. The duties of the Superintendent or Superintendents, and subordinate officers and employees shall be such as are assigned them by the Commissioner of Public Safety and Welfare or are provided by ordinance, and the Commissioner may make rules and regulations for the management and control of the parks and playgrounds not in conflict with this charter or the city ordinances.

Department of Health and Sanitation

Sec. 31. **ORGANIZATION.** There shall be under the jurisdiction of the Department of Public Safety and Welfare, a Department of Health and Sanitation under the management of the Board of Health. Such board shall consist of five members. The Commissioner of Public Safety and Welfare shall be a member, and the active chairman of the board, and shall attend its meetings. There shall be four other members of the board who shall be appointed by the Commissioner of Public Safety and Welfare and confirmed by the City Commission, shall be residents of the city and duly licensed physicians and surgeons under the laws of the State of California, shall possess such qualifications and professional standards as to make them truly representative of the most esteemed medical talent of the city and thereby capable of rendering efficient service as members of said board, and shall receive no compensation for their services.

Sec. 32. **TERM, REMOVALS.** The term of office of any member may be terminated by the Commissioner of Public Safety and Welfare at any time for just cause and upon charges, and subject to the right of hearing provided for in the Civil Service provisions of this charter.

Sec. 33. **JURISDICTION.** The Board of Health shall have supervision over all matters appertaining to public health and sanitation, may establish and enforce quarantine measures, may abate nuisances injurious to public health, shall enforce all ordinances relating to public health and sanitation, or either, and may make and enforce rules and regulations appertaining to public health and sanitation not in conflict with this charter

or the ordinances of the city. The Board of Health shall have such further powers as are now possessed by the Board of Health of the existing corporation known as the City of Fresno until modified or changed by law or ordinance, and such further powers as are hereafter vested in it by law or ordinance.

Sec. 34. MEETINGS, QUORUM. Regular meetings of the Board of Health shall be held at least once a month. The time and place of such meetings shall be determined by the Board. Special meetings may be called by the chairman or any three members, and all meetings shall be public. Three members shall constitute a quorum for the transaction of business.

Health
officer.

Sec. 35. HEALTH OFFICER. There shall be a City Health Officer appointed by the Board of Health and confirmed by the City Commission. He shall be a duly licensed physician and surgeon under the laws of the State of California and shall have had special training and experience in matters appertaining to public health and sanitation. He shall devote his entire time to the duties of his office, unless in the judgment of the City Commission that is impracticable. The Health Officer shall act as Secretary of the Board of Health. Subject to the directions of the Board of Health, he shall have general supervision of the Department of Health and Sanitation and shall see that the laws and ordinances of the city in relation to public health and the regulations and orders of the Board of Health, are properly enforced. Health and quarantine matters shall be administered in accordance with the established public health system of the State and such health laws as are now in force or may hereafter be enacted and any lawful modifications and changes thereof; and also in accordance with such ordinances as are now in force until modified or changed, and such ordinances as may hereafter be enacted. The Health Officer may condemn and destroy without liability any foods found within the city which are unfit, unwholesome, deleterious or injurious as food or fall below the standards set by the Board of Health or other public authority. The Health Officer shall have authority over all inspectors, assistants, clerks and employees of the Department of Health and Sanitation. He shall have the powers of a police officer. At least once during each month, he shall make a complete report to the Board of Health of the affairs of his office together with such observations and recommendations in relation to the sanitary or unsanitary conditions existing in the city, as may be deemed advisable. He shall also perform such other duties as may be prescribed by the Board of Health or by ordinance.

Sec. 36. OTHER OFFICERS AND EMPLOYEES. The Board of Health shall appoint, in accordance with the Civil Service rules, such other officers and employees as may be necessary for its work and as may be authorized by the City Commission, and may prescribe their duties, subject to the provisions of the city ordinances.

City Attorney

Sec. 37. APPOINTMENT, DUTIES, DEPUTY. There shall be a City Attorney who shall be appointed by the Commissioner of Public Safety and Welfare and confirmed by the City Commission. He shall be an attorney-at-law admitted to practice in the Supreme Court of the State of California, and shall have been engaged in the active practice of his profession in the City of Fresno at least three years. The City Commission may require the City Attorney to devote all of his time to the business of the city. The Commissioner of Public Safety and Welfare shall provide suitable offices for the City Attorney in or near the building where the offices of the Commissioners are located, and shall provide suitable stenographic and other help and supplies for the conduct of the office of the City Attorney. The City Attorney, with the approval of the Commissioner of Public Safety and Welfare, may appoint a deputy or deputies who shall have the same qualifications as the City Attorney, and shall take the Constitutional oath of office, and all acts performed by such deputy or deputies shall be as valid and binding as if done by the City Attorney. Such deputy or deputies shall receive no compensation from the City Treasury, but shall be paid by the City Attorney, unless otherwise provided by the City Commission, and the City Commission may not provide for compensation for any deputy unless and until the City Attorney, devoting all of his time to the business of the city, is unable personally to perform all of the work required.

It shall be the duty of the City Attorney to prosecute on behalf of the people, all cases before the Police Court for violations of this charter and of the city ordinances and resolutions, and other municipal regulations. It shall be his duty to attend to all suits and other matters to which the city is a party, or in which the city may be legally interested; provided, that the Commissioner of Public Safety and Welfare and City Commission shall have control of all litigation of the city and may direct an attorney selected by the Commissioner of Public Safety and Welfare to take charge thereof in place of the City Attorney, or to assist the City Attorney therein, the Commissioner of Public Safety and Welfare and City Commission being vested with power to employ such additional attorneys as they may deem necessary to defend and protect the interests of the city in any matters or proceedings, and to fix the compensation of such attorneys, and such employment of attorneys shall not be subject to the Civil Service rules, but where the compensation of such special attorney or attorneys exceeds \$200.00, the employment or contract must be approved by the City Commission. The City Attorney shall give his advice and opinion verbally or in writing to the City Commission, the Commissioners or any of them, and other city boards and officers, whenever required to do so. He shall pass upon the validity of all bonds given to and of contracts made with the city. When required by the City Commission or any Com-

missioner or any board in the city administration, he shall draft any and all proposed ordinances, resolutions, laws, rules, contracts, bonds, and other legal papers for the city. He shall at the request of the Police Judge, draft any complaint or pleading that may be necessary in connection with the business of the Police Court. He shall attend all meetings of the City Commission, unless excused, and such meetings of other boards in the city administration as he may be requested to attend by the Commissioner of Public Safety and Welfare, and shall perform such other duties as may be required of him by the Commissioner of Public Safety and Welfare, City Commission, or by this charter, the city ordinances, resolutions or regulations.

ARTICLE V.

Department of Finance.

Depart-
ment of
finance.

Sec. 38. JURISDICTION. There shall be a Department of Finance, which, subject to the supervisory jurisdiction of the City Commission, shall be under the management and control of an officer to be known as the Commissioner of Finance. Subject to legislative or other control as in this charter provided and except as otherwise provided by this charter or general law, the Commissioner of Finance shall have control and jurisdiction over the keeping of accounts and financial records; the auditing of accounts and claims; the levy, assessment and collection of taxes, special assessments, license fees and other revenues; the custody and disbursement of city funds and moneys, and the control over purchases and expenditures. He shall be the advisor to the Commission when acting as the Board of Equalization and his opinion shall be heard and recorded by the Commission on all matters of assessment, rate, and collection of taxes, special assessments, and other financial matters. He shall have such further jurisdiction as is provided in this charter, or by law, or as may be delegated to him by the City Commission.

Sec. 39. QUALIFICATIONS. The Commissioner of Finance shall be a man learned and experienced in financial transactions, who has had practical training in the financial management of large public or private enterprises, either as a public officer, or as the owner of such private enterprise, or as an officer thereof responsible only to the owner or owners, or directors thereof.

Sec. 40. ADDITIONAL OFFICERS AND EMPLOYEES. The Commissioner of Finance may appoint in accordance with the Civil Service rules such subordinate officers and employees as may be necessary for the efficient administration of the Department of Finance, and as may be authorized by the City Commission.

Joint -
city and
county
offices.

Sec. 41. JOINT CITY AND COUNTY OFFICES FOR TAXATION, CREATION OF OFFICE OF CITY ASSESSOR, TAX COLLECTOR, AND TREASURER. Except in the contingencies hereinafter in this section provided for, so long

as there exists any State law under which the county assessor, tax collector, treasurer and county board of supervisors may act for the city in the assessment, collection, safe keeping, disbursement and equalization of city taxes, such officers of the county shall be regarded as ex-officio officers of the City of Fresno for such purposes, and the duties of the city assessor, tax collector, treasurer and board of equalization with respect to the assessment of property in the city for city taxes to the equalization and correction of such assessment, to the collection, payment and enforcement of such taxes, including delinquent taxes, and to the redemption of such property from sale or other penalty for non-payment of municipal taxes, shall be performed by the county assessor, county tax collector, county treasurer and county board of supervisors; the duties of said officers and of said board of supervisors in so acting for the city being as provided by the laws of the State of California, and so long as there exist alternative systems under the State laws for the performance by such county officers of the duties of such city officers in connection with the assessment, collection, safe keeping, disbursement and equalization of city taxes, the City Commission shall by ordinance elect the system to be used by the City of Fresno, and the City Commission shall by ordinance provide for the effective carrying out of the provisions of this section and for the compliance with the terms of the State law in order that the city may avail itself of the privilege of having its taxes assessed, collected, safely kept, disbursed and equalized by such county officers. Said county officers when so acting for the city shall be ex-officio members of the Department of Finance, and the Commissioner of Finance shall keep in touch with the work of said officers of the city and report to the City Commission from time to time in his discretion as to the work of said officers and the practical operation of such system. If said State laws are repealed by the legislature, or annulled by the courts the City Commission is hereby authorized to create by ordinance the offices of city assessor, city tax collector, and city treasurer, and shall itself act as a board of equalization, and by such ordinance shall prescribe the powers, duties and compensation of such officers and its duties as a board of equalization; provided, however, that the system of assessing, collecting and equalizing city taxes shall conform as nearly as may be practicable to the system for assessing, collecting and equalizing county taxes. And, after such repeal or annulment of such laws by the legislature, should a new system be created for the assessment, collection, safe keeping, disbursement and equalization of city taxes by county officers, the City Commission may abolish the offices of city assessor, city tax collector and city treasurer and may cease to act as a board of equalization and again provide for the assessment, collection, and safe keeping, disbursement and equalization of city taxes by county officers in the manner provided by such new state law.

Joint
city and
county
offices.

The City Commission by the affirmative vote of four members, may submit to the registered, qualified electors of the city at any special or general municipal election the question of creating the offices of city assessor, city tax collector or city treasurer, either individually or in combination and of discontinuing the use of county officers in matters relating to city taxes and the majority of such electors at such election shall decide, and if it is decided to create such city offices, or any of them, and to discontinue the use of county officers in taxation matters, the City Commission by ordinance shall provide for the appointment of such city officers and prescribe their powers, duties and compensation; provided, however, that the system of assessing, collecting and equalizing city taxes shall conform as nearly as may be practicable to the system for assessing, collecting and equalizing county taxes.

The Commission, in the event of the creation of the office of city assessor and the discontinuance of the use of the office of county assessor, shall sit as a board of equalization and adjust and equalize the city assessment roll in the same manner that county boards of equalization adjust and equalize the county assessment roll, and at the same time each year unless otherwise provided by ordinance. The Commission, by invitation, may sit in banc with the county board of equalization for consideration and adjustment of affairs of taxation between city and county, in which both are interested.

Sec. 42. ACCOUNTS AND RECORDS. Accounts shall be kept by the Commissioner of Finance showing the financial transactions for all departments of the city. Forms for all such accounts shall be prescribed by the Commissioner of Finance, and shall be adequate to record all cash receipts and disbursements, all revenue accrued and liabilities incurred, and all transactions affecting the acquisition, custody and disposition of values, and to make such reports of the financial transactions and conditions of the city as may be required by law or ordinance. Financial reports shall be prepared for each quarter and each fiscal year, which shall commence on July 1st and terminate on June 30th, and for such other periods as may be required by the Commission. All annual financial reports shall be printed, and the copies shall be available at the office of the Commissioner of Finance for free distribution to any one interested.

Annual
budget.

Sec. 43. ANNUAL BUDGET. Not later than one month before the end of each fiscal year, the Commissioner of Finance shall prepare and submit to the Commission an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government, according to a classification as nearly uniform as possible. The budget shall present the following information:

(a) An itemized statement of the appropriations recommended by the several administrative commissioners for cur-

rent expenses and for permanent improvements for each department and each branch of the city government for the ensuing fiscal year, with comparative statements in parallel columns of the appropriations and expenditures for the current and next preceding fiscal year, and the increases or decreases in the appropriations recommended.

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases or decreases estimated or proposed.

(c) A statement of the financial condition of the city; and

(d) Such other information as may be required by the Commission.

Copies of such budget shall be printed and available for distribution not later than two weeks after its submission to the Commission, and a public hearing shall be given thereon by the Commission, after five days' notice of said hearing, before action by the Commission, which action shall not be taken before the expiration of ten days from the date set in such notice for said hearing.

Sec. 44. APPROPRIATION ORDINANCES. Temporary Appropriation ordinances. Transfers: Not later than one month after the beginning of the fiscal year, the Commission shall pass an annual appropriation ordinance, which shall be based on the budget, submitted by the Commissioner of Finance. The total amount of appropriations shall not exceed the estimated revenues of the city.

Before the annual appropriation ordinance has been passed, the Commission may make appropriations for current department expenses chargeable to the appropriations of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation is in force. No other liabilities shall be incurred by any officer or employee of the city, except in accordance with the provisions of the annual appropriation ordinance, or under continuing contracts and loans authorized under the provisions of this charter, or in the other emergency cases specially provided for in this charter.

At any meeting after the passage of the appropriation ordinance, and after at least one week's public notice, the Commission, by the affirmative vote of four members, may amend such ordinance so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

Sec. 45. TAX LEVY. On or before the last Tuesday in August in each year, the Commission shall, by ordinance, levy Tax levy. such tax as may be necessary to meet the appropriations made (less the estimated amount of revenue from other sources), and all sums required by law to be raised on account of the

city debt and interest thereon, together with such addition, not exceeding five per cent, as may be deemed necessary to meet commissions, fees and deficiencies from the estimates in the amount of taxes collected.

Street
and
other
improvements.

Sec. 46. **STREET AND OTHER IMPROVEMENTS.** The Commission is hereby authorized and empowered to construct, reconstruct, repair, maintain and improve streets and highways, and to open and close streets, and to make, acquire, construct, reconstruct, repair, operate and maintain all other public improvements of whatsoever kind or character in accordance with the laws of the State of California now existing or hereafter enacted when the Commission elects to follow such state laws, the city being specially and generally empowered to avail itself of such state laws, and nothing in this section contained shall be construed as an abridgement or limitation of the general power of the city to avail itself of State laws.

The Commission shall also have power by ordinance to provide a plan or scheme for the payment of all or any part of the cost of the improvement, construction, reconstruction, repair, operation or maintenance of any public street, highway or place, and of any special lighting or electrolier system, and of the cost of any street opening or closing by the levy and collection of special assessments upon abutting, adjoining, contiguous and other property specially benefitted in accordance with the benefits accruing to such property by reason thereof.

Validity
of bonds.

Sec. 47. **VALIDITY OF BONDS.** The City of Fresno declares that it will never contest the validity, or payment, of any bonds or interest thereon, heretofore or hereafter issued and sold by said city where payment therefor actually has been made into the City Treasury, either in valid outstanding bonds (in case of refunding), or lawful money of the United States, at par, or any lawful amount less than par, in the event that it shall hereafter become lawful to sell bonds for less than par, and that the recitals in any such bond or bonds for which payment has actually been made into the City Treasury as aforesaid, are and shall be binding and conclusive on said city and every tax payer and resident thereof, and shall forever estop said city and every tax payer and resident thereof from asserting the contrary.

Bond
issues.

Sec. 48. **BOND ISSUES.** Money may be borrowed by the city by the issue and sale of bonds on the credit of the city for the acquisition, construction, or completion of any municipal improvement, including bridges, water rights, sewers, drains, public utilities, quasi public utilities, buildings for municipal uses and the equipment and furnishing thereof; school houses, and the equipment and furnishing thereof; fire apparatus, and other municipal equipment; street work, or other works; land for public uses within or without the city, and property or structures necessary or convenient to carry out the objects, purposes and powers of the municipality, and the payment or

refunding of bonds previously issued. The specific enumeration of purposes for which bonds may be issued shall not be construed as an abridgement or limitation of the general power granted by this section for the issue and sale of bonds. No bonds shall be issued without the submission of the proposition to issue such bonds to the electors of the city at an election to be held for that purpose and the approval of such proposition by the vote of at least two-thirds of the electors voting on such proposition at such election. No ordinance providing for the issue of bonds or submitting a proposition to issue bonds to the electors shall be passed without the affirmative vote of at least four members of the City Commission. Every issue of bonds shall be payable within a term of years not exceeding forty years, and shall be payable in equal annual serial installments, including principal and interest, or at a maturity date or dates not exceeding forty years. Every ordinance for the issue of bonds shall provide for the collection of an annual tax sufficient to pay the interest on the bonds as it falls due, and shall provide for a sinking fund for the payment of the principal of the bonds on or before maturity. Sinking funds shall be under the management of the Commission, with the advice of the Commissioner of Finance.

Sec. 49. OPTIONAL PROVISIONS FOR ISSUE OF BONDS. Money also may be borrowed by said city by the issue and sale of bonds on the credit of the city for any of the purposes specified in, and pursuant to, and in the manner provided by, the provisions of any law of the State of California now existing, or hereafter enacted, authorizing municipalities to issue and sell bonds, except that the limitation on the amount of bond issues shall be as provided in this charter.

Sec. 50. BONDS FOR IMPROVEMENT DISTRICTS. The City Commission is hereby authorized and empowered to form municipal improvement districts (including sewer and other districts authorized by law) within said city, and to create indebtedness therefor, represented by bonds of said districts, or bonds of said city payable by said districts, for any of the purposes specified in, and pursuant to, and in the manner provided by the provisions of any law of the State of California now existing or hereafter enacted authorizing municipalities to form such districts and create such indebtedness, and such districts heretofore created by the City of Fresno are hereby approved and declared valid.

Sec. 51. LIMITATION ON BOND ISSUES. No bonds of the city shall be issued which, together with the existing bonded indebtedness of the city, shall exceed in the aggregate 20% of the assessed value of all real and personal property within the city as shown on the last assessment roll thereof; provided, that in determining said percentage no account shall be taken of any bonds issued for, on, upon, or payable by any municipal improvement district (including sewer and other districts authorized by law), within said city, nor shall

any account be taken of any indebtedness, the payment of which is secured by a lien upon any public utility or quasi public utility owned by the city.

Indebted-
ness for
utilities.

Sec. 52. **INDEBTEDNESS FOR UTILITIES.** Money may be borrowed by the city by the issue and sale of bonds for the acquisition, construction, completion, equipment and sites of and for public utilities and quasi public utilities and the payment thereof secured by a lien on the property appertaining to or used for such utility, or by a lien on the revenues of such utility, or by a lien on both such property and revenues. This method of borrowing and securing money for said purposes is in addition to the other methods of borrowing and securing money for said purposes provided in this charter.

Temporary
loans.

Sec. 53. **TEMPORARY LOANS.** Money may be borrowed in anticipation of the receipts from taxes during any fiscal year, by the issue of notes, certificates of indebtedness or revenue bonds; but the aggregate amount of such loans at any time outstanding shall not exceed twenty-five per cent of the receipts from taxes during the preceding fiscal year; and all such loans shall be paid out of the receipts from taxes for the fiscal year in which they are issued, except that, in the case of money borrowed on account of a great epidemic, or great public calamity, provision for payment must be made in the budget for the next succeeding fiscal year, or in the budget for a period of years thereafter succeeding, if funds are not available in the year in which the epidemic occurs. If, upon the fifteenth day of June, 1921, there shall be any outstanding loans or notes for money borrowed in anticipation of taxes prior to the adoption of this charter, such loans or any part thereof may be renewed or refunded by the issue of notes, certificates of indebtedness or revenue bonds, payable in equal annual installments with interest, for not more than five successive years. No temporary loans authorized by this section shall be made without public notice at least two weeks before final action by the Commission and the approval of four-fifths of all the members of the Commission, except that in the case of money borrowed on account of a great epidemic or great public calamity, the City Commission may use its discretion as to whether notice shall be given.

Sec. 54. **RESTRICTIONS ON LOANS AND CREDITS, EXCEPT AS OTHERWISE SPECIALLY PROVIDED IN THIS CHARTER.** No money shall be borrowed by the city except by the issue of bonds or temporary loans, or as otherwise specially authorized in this charter, and subject to the limitations prescribed by law and this charter. Except as otherwise expressly provided in this charter, the credit of the city shall not be given or loaned to or in aid of any individual, association or corporation, except that suitable provision may be made for the aid and support of its poor.

Sec. 55. **COLLECTION AND CUSTODY OF CITY MONIEYS.** All taxes, special assessments and license fees accruing to the city shall be collected by officers and ex-officio officers of the Department of Finance. All moneys received by any officer or employee of the city for or in connection with the business of the city shall be paid promptly into the treasury, and, subject to the requirements of the Constitution and laws of the state, shall be deposited with such responsible banking institutions as furnish security as the Commissioner of Finance, with the assent of the Commission, may determine. and shall pay the highest rate of interest, and all such interest shall accrue to the benefit of the city. The Commission shall provide by ordinance for the prompt and regular payment and deposit of all city moneys as required by this section. Collection and custody of city moneys.

Sec. 56. **CONTRACTS.** Except as otherwise specially provided in this charter or by the laws of the state, no continuing contract (which involves the payment of money out of appropriations of more than two years) shall be made for a period of more than ten years, except public utility franchises, and no such contract shall be valid without publication of notice of intention of making the contract, in a newspaper of general circulation printed and published in the city, once a week for two successive weeks, before final action of the City Commission, and the approval of four-fifths of all the members of the Commission, and the decision of the City Commission is subject to the referendum provisions of this charter. Contracts

Any public work or improvement costing more than \$1000.00 shall be executed by contract, except where a specific work or improvement is authorized by the Commission based on detailed estimates submitted by the department or board authorized to execute such work or improvement, and except in cases where the City Commission may decide to perform such work or construct such improvement through its own officers and employees. Contracts for more than \$1000.00 shall be awarded to the lowest responsible bidder after public advertisement and competition as may be prescribed by ordinance. The award shall be made by the City Commission. In the case of contracts for less than \$1000.00, the award may be made by the Commissioner of Finance. The Commission or Commissioner of Finance, as the case may be, shall have power to reject all the bids and to advertise for new bids. All advertisements or invitations for bids shall contain a reservation of this right. In the event that a satisfactory contract for the performance of any public work or the construction of any public improvement cannot be made, and in other cases where the City Commission may decide that it is for the best interests of the city to do so, the City Commission may perform public work and construct public improvements through its own officers and employees. The decision of the City Commission in such cases is subject to the referendum provisions of this charter.

Sec. 57. **PURCHASES.** The Commissioner of Finance shall have general charge of purchases of supplies and other articles Purchase.

for the use of the Department of Finance and all other departments and branches of the city government, except where otherwise provided by state law or ordinance. The City Commission shall provide by ordinance for the method of handling this branch of the work of the Department of Finance.

Purchases exceeding \$1000.00 in amount shall be approved by the City Commission before the same are made.

Payment
of claims.

Sec. 58. PAYMENT OF CLAIMS. Payment by the city shall be made only upon vouchers certified by the Commissioner of the appropriate department, or by the presiding officer of the appropriate board or other division of the city government, and by means of warrants on the City Treasury, issued by the Commissioner of Finance. The Commissioner of Finance shall examine all payrolls, bills and other claims and demands against the city; and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and duly certified that it is justly and legally due and payable, that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized, and that there is money in the city treasury to make payment. He may require any claimant to make oath to the validity of a claim. He may investigate any claim and for such purposes may examine witnesses under oath, and if he finds it is fraudulent, erroneous or otherwise invalid, shall not issue a warrant therefor, and, if the situation warrants, shall call the matter to the attention of the City Commission for appropriate action.

Audit of
accounts.

Sec. 59. AUDIT OF ACCOUNTS. Upon the death, resignation, removal or expiration of the term of any officer of the city, other than the Commissioner of Finance, the Commissioner of Finance shall make an audit and investigation of the accounts of such officer, and shall report to the Commission, and the City Commission shall cause an audit to be made of the accounts of the Commissioner of Finance upon his death, resignation, removal or expiration of his term.

As soon as practicable after the close of each fiscal year, an annual audit shall be made of all the accounts of all city officers. Such audits shall be made under the provisions of any law for the inspection and audit of municipal accounts by state officers; and if there is no such state inspection or audit, such audit shall be made by qualified public accountants, selected by the Commission, who have no personal interest, direct or indirect, in the financial affairs of the city or any of its officers or employees. The Commission may at any time provide for an examination or audit of the accounts of any officer or department of the city government.

The Commissioner of Finance shall also audit, or cause to be audited, the accounts of any commission, board or other public body created under the provisions of this charter, or by the City Commission which has the spending of city money or the use of funds in which the city is directly or indirectly interested, and report his findings at least once in every year to the Commission.

ARTICLE VI.

Department of Public Works.

Sec. 60. COMMISSIONER OF PUBLIC WORKS. There shall be a Department of Public Works, which, subject to the supervisory jurisdiction of the City Commission, shall be under the management and control of an officer to be known as the Commissioner of Public Works, who by virtue of his office, shall be Superintendent of Streets and also City Engineer, if said commissioner is a civil engineer, and if said commissioner is not a civil engineer, then a City Engineer shall be appointed by the Commissioner of Public Works who shall be a competent and licensed civil engineer of not less than three years' practical experience as such, and who shall perform such duties as are prescribed by the state laws and by ordinance, and such further duties as are assigned to him by the Commissioner of Public Works.

Sec. 61. QUALIFICATIONS. The Commissioner of Public Works shall be an elector who is a competent and licensed civil engineer of not less than three years' practical experience as such, or an elector of large executive experience and training, either as a public officer, or as the owner of a private business, or as the manager of a private business responsible only to the owner or directors thereof, or an elector largely experienced in the business of construction of streets or other works of large magnitude, in an executive capacity, as contractor, or as a managing officer responsible directly to the contractor.

Sec. 62. JURISDICTION. The Commissioner of Public Works, subject to the provisions of this charter and all ordinances of the city and laws of the State of California applicable thereto, shall manage and have charge of the construction, improvement, repair and maintenance, and the keeping open and unobstructed, of streets, sidewalks, alleys, lanes, courts, bridges, viaducts and other public highways; of all sewers, drains, ditches, culverts, canals, streams and water courses; of all public buildings, except school buildings, wherever located; of boulevards, squares and other public places and grounds belonging to the city or dedicated to public use, except parks, playgrounds and school grounds and property. He shall manage market houses, free markets, sewage disposal plants and farms, garbage disposal systems, plants and works, and other public works, all public utilities of the city, and all other public works not otherwise provided for in this charter. He shall have charge of the enforcement of all the obligations of privately owned or operated public utilities enforceable by the city, except as otherwise provided in this charter. He shall have charge of the enforcement of all restrictions and regulations concerning the erection, construction, improvement, alteration, repair, razing or removal of all buildings and structures within said city, including all electrical and plumbing regulations and restrictions, as are or may hereafter be imposed or prescribed by law or ordinance. He shall have charge of the

making and preservation of all surveys, maps, plans, drawings and estimates for all such public work; the cleaning, sprinkling and lighting of streets and other public places; the collection and disposal of garbage and waste; the preservation of all contracts, papers, plants, tools, machinery and appliances belonging to the city and appertaining to said department. He shall do and perform such other duties and assume charge and control of such other works, plants or departments not otherwise provided for in this charter which hereafter may be assigned to his department by ordinance or resolution of the Commission.

The Commissioner of Public Works, as ex-officio City Engineer, shall possess the same powers in making surveys, plats and certificates as is given by law to city engineers and county surveyors.

Sec. 63. ADDITIONAL OFFICERS AND EMPLOYEES.

The Commissioner of Public Works may appoint, in accordance with the Civil Service rules, such deputies, inspectors and other officers and employees as may be necessary for the efficient administration of the department, and as may be authorized by the City Commission.

ARTICLE VII.

Department of Education.

Depart-
ment of
education.

Sec. 64. EXISTING DISTRICTS RECOGNIZED. The City of Fresno School District in the County of Fresno, State of California, and the Fresno City High School District in the County of Fresno, State of California, as now constituted, with identical boundaries, including the territory outside of the city, are hereby recognized as valid existing public corporations, and declared to have been duly organized under the laws of the State of California, and each in its respective name shall hold all property, rights and privileges which it now possesses, subject to all existing liabilities, and each shall include such territory outside of the limits of the City of Fresno as may be hereafter annexed to either district for school purposes.

Sec. 65. ELECTORS IN OUTSIDE TERRITORY MAY VOTE AT SCHOOL ELECTIONS. All territory included in the limits of the City of Fresno School District or Fresno City High School District, or that may hereafter be included within such limits, but not within the city limits shall be deemed a part of said city for the purpose of holding the general municipal elections and other elections in so far as they are for the purpose of voting for members of the board of education, or upon other matters relating to the schools, and only for such purposes, and shall constitute one or more separate election precincts and the qualified electors therein shall vote at such elections for the purposes above mentioned, said outside territory being deemed a part of said city for school purposes only.

Sec. 66. BOARD OF EDUCATION, ORGANIZATION. ^{Board of education.} The government, management and control of the schools and affairs and property of each of said school districts shall be vested in one board, hereby created and designated as the Board of Education, which shall consist of five members, who shall be qualified electors of said school districts and residents therein for at least two years next preceding their nomination; and shall serve without compensation. They shall be elected at the general municipal election at which elective municipal officers are elected, and hold office for a term of four years, and take office at the same time as such elective municipal officers, except that the members of the first board elected under this charter shall at their first meeting so classify themselves by lot that two shall serve for four years and three for two years thereby securing a rotation in membership, in the manner provided in the article on Elections. After each regular municipal election the board shall organize by choosing one of its members as president. A majority of the board shall constitute a quorum, but the affirmative vote of three members shall be necessary to authorize the payment of public money, the election of superintendent, deputy superintendents, principals, teachers, and all officers and employees the board is authorized to elect or appoint.

Sec. 67. VACANCIES. In case a vacancy should occur on the Board of Education, the remaining members of the board shall appoint a qualified person to fill such vacancy, and if there be less than a majority of such board then in office, or in case of a tie vote, the appointment shall be made by the Superintendent of Schools of Fresno County. In either case, the appointee shall serve only until the next general municipal election, when, if the term does not then expire, a person shall be elected to fill the vacancy for the unexpired term only.

Sec. 68. POWERS AND DUTIES. The powers and duties of the Board of Education are and shall be such as are now or shall hereafter be provided by the Constitution and general laws of the State of California.

Sec. 69. CITY SUPERINTENDENT. Unless and until otherwise provided by law, the Board of Education shall appoint a City Superintendent of Schools, who shall be the chief administrative officer of the board and shall be chosen solely on the basis of his combined educational, executive and administrative qualifications. He shall receive a salary to be fixed by the Board of Education and shall hold office for a term of four years from the date of his appointment, unless sooner removed for cause, and after a hearing, by the affirmative vote of four members of the board. The City Superintendent shall give his full time to the duties of his office and shall enforce all rules and regulations adopted by the board, and all orders of the board relating to the direction of principals and teachers shall be given through him. He shall have general supervision of the course of instruction and of the discipline and conduct of the schools subject to the control of

the Board of Education, and shall perform such other duties as may be required by the Board of Education.

Teachers.

Sec. 70. **NOMINATION AND ELECTION OF TEACHERS.** The Superintendent of Schools may nominate and recommend teachers and principals for election by the Board of Education, but the Board of Education shall not be limited in its selection to such nominees. The Superintendent of Schools shall assign teachers and principals and make transfers necessary to the successful operations of the schools, but in all his acts shall be subject to the control and direction of the Board of Education.

Books and audit.

Sec. 71. **BOOKS AND AUDIT.** Unless and until otherwise provided by law, the Board of Education shall keep books showing all of its financial transactions in a form as nearly as practicable to conform with the financial provisions of this charter, and said books shall be audited annually under the direction of the Commissioner of Finance and at the expense of the city.

ARTICLE VIII.

Judicial Department.

Police court.

Sec. 72. **POLICE COURT CREATED.** There is hereby created in and for the City of Fresno a court in which shall be vested the judicial power of the city and which shall be known as the Police Court of the City of Fresno. Said court shall consist of one judge unless and until an additional judge or judges shall be provided for and elected in accordance with the provisions of this article.

Jurisdiction.

Sec. 73. **JURISDICTION.** Said court shall have exclusive jurisdiction:

1. In all prosecutions for violations of the city ordinances, rules and regulations and prosecutions for violations of this charter which may be prosecuted in a court inferior to the Superior Court;

2. In all actions for the recovery of any fine, penalty or forfeiture and the enforcement of any obligation or liability prescribed or created by this charter or the city ordinances, rules and regulations and in which the sum sued for does not amount to three hundred dollars.

Sec. 74. **JURISDICTION. CONTINUED.** Within the city limits, said court shall have concurrent jurisdiction with Township Justices' courts in all matters and things in which said Justices' courts now or hereafter may have jurisdiction; and said Police court shall have in addition to the special jurisdiction conferred in this article, like authority, power and jurisdiction in the city as now or hereafter may be conferred upon Township Justices' courts.

Sec. 75. **APPEALS.** Appeals may be taken to the Superior Court of the State of California in and for the County of Fresno from the judgments and orders of said Police Court in all cases in which appeals now or hereafter may be taken

to said Superior Court from said Justices' Courts and Police Courts.

Sec. 76. PRACTICE AND PROCEDURE. In all proceedings in and appeals from said Police Court, the pleadings, practice, procedure and laws applicable, or that hereafter may be made applicable to said Justices' or Police courts, are hereby adopted and made applicable to said Police Court.

Sec. 77. JUSTICES OF THE PEACE MAY PROCEED WHEN. Upon the sickness, disability, temporary absence or disqualification of any judge of said Police Court, he may cause to preside in his place any qualified Justice of the Peace of the County of Fresno.

Sec. 78. DETAILS OF ADMINISTRATION. Said Police Court shall be open for the transaction of business at all times.

The Commission shall provide a court room and court room accommodations, dockets, blanks and stationery free of charge for said court.

All fees, penalties and fines received or collected by said court shall be paid into the City Treasury on the first Monday in each month, and said court shall collect in advance the same fees in civil cases that now are or hereafter may be allowed Justices of the Peace, or are prescribed for Justices' courts.

The Chief of Police shall assign a police officer for attendance on said court to preserve order therein, enforce its orders, and serve its process.

Sec. 79. CLERK. Said Police Court shall have a clerk who shall be appointed by the judge or judges of said court, subject to the approval of the said Commission, and shall hold office during the pleasure of the judge or judges of said court. The clerk shall keep a record of the proceedings of said court and issue all process ordered by any judge of said court and receive and pay into the City Treasury all fines, penalties and forfeitures paid into said court. He shall render each month to the Commission an exact account, under oath, of all fines, penalties and forfeitures and other moneys paid and collected. He shall prepare bonds, justify bail when the amount has been fixed by the court or judge and may administer and certify oaths, and shall remain in the court room of said court when the court is in session and during such reasonable time thereafter as may be necessary for the proper performance of his duty. He shall have custody of all records and papers of said court. The salary of said clerk shall be in full compensation for all services rendered by said clerk.

Sec. 80. PENDING ACTIONS; RECORDS. All actions and proceedings pending and undetermined in the existing Police Court of the City of Fresno shall be proceeded with, heard, tried and determined in said Police Court hereby created. All dockets, files and records of the existing Police Court shall be and become the dockets, files and records of the Police Court hereby created.

Sec. 81. ADDITIONAL JUDGES. Whenever in the judgment of the Commission the necessity exists therefor, it may by

Additional
Judges.

ordinance passed by the affirmative vote of four members, provide for an additional judge or judges of the Police Court. The office or offices of such additional judge or judges shall be filled at the next ensuing general municipal election in like manner as in this charter provided for the election of the Police Judge first in this article provided for, and such additional judge or judges shall be subject to all the provisions of this charter.

Rules.

Sec. 82. **RULES.** Said Police Court or the judge or judges thereof may make reasonable rules for the dispatch of its business not inconsistent with this charter, or the laws of this state, but such rules shall neither impose any tax, charge or penalties upon any legal proceeding, or for filing any pleading allowed by law, nor give any allowance to any officer for services.

ARTICLE IX.

Salaries and Wages.

Salaries
and
wages.

Sec. 83. **CERTAIN SALARIES FIXED.** The Commissioner of Public Safety and Welfare and ex-officio Mayor shall receive a salary of \$6000.00 per annum. The Commissioner of Finance shall receive a salary of \$5000.00 per annum. The Commissioner of Public Works shall receive a salary of \$5000.00 per annum. The Police Judge shall receive a salary of \$3600.00 per annum. Legislative Commissioners shall receive a salary of \$1200.00 per annum. Said salaries shall be paid in equal monthly installments. There shall be deducted from the salary of any commissioner the sum of \$10.00 for each and every regular meeting of the City Commission which such commissioner fails to attend, unless such non-attendance is on account of business of the city. The salaries aforesaid shall become operative with the qualification of the officers elected at the first election under this charter.

Sec. 84. **SALARIES FIXED MAY BE CHANGED.** The salaries provided for in the preceding section may be increased or diminished by a majority vote of the qualified electors of the city upon the submission to such qualified electors of the city by the City Commission of a proposition to increase or diminish said salaries or any of them; provided, however, that the increase or decrease shall not operate to increase or decrease the salary of any officer in office at the time the vote is taken during the term of such officer or officers.

Sec. 85. **OTHER SALARIES AND WAGES FIXED BY COMMISSION. LIMITATION.** The compensation of other officers or employees of the city, except where this charter provides that no salaries shall be paid, shall be fixed by the City Commission, and may be readjusted by the City Commission whenever in its judgment such readjustment is necessary; provided, however, that city employees skilled or unskilled shall be paid not less than the prevailing wage paid in private employment in said city in the trade in which such employees work, where there are workers in private employment in such trade, and the city shall not require its employees to work longer hours

for the same wage than workers in private employment in said city work for such wage in the same trade.

Sec. 86. FEES TO BE PAID INTO CITY TREASURY. No department, board, officer or employee of the city shall be allowed to retain for his own use any fees collected by such department, board, officer or employee, but all such fees shall be paid into the City Treasury at least once in every month, except where payment is required by law or ordinance to be made in some other manner or more frequently.

ARTICLE X.

Official Bonds.

Sec. 87. BONDS. Bonds shall be required of the city officials hereafter named in the sum indicated below: Official bonds.

Commissioner of Public Safety and Welfare, \$10,000.00; Commissioner of Finance, \$10,000.00; Commissioner of Public Works, \$10,000.00; Police Judge, \$3,000.00; Chief of Police, \$5,000.00; Chief Engineer of Fire Department, \$5,000.00; Clerk of the Police Court, \$5,000.00.

The City Commission may require any other officer or employee of the city to give a bond if in its judgment such bond is required. Official bonds shall be approved by resolution of the City Commission, but before such approval shall be examined as to their legal sufficiency by the City Attorney. Official bonds shall be filed with the City Clerk. Official bonds with personal sureties must be recorded in the office of the County Recorder of Fresno County.

Sec. 88. SURETIES. HOW BONDS PAYABLE. INCREASE OF BONDS. OFFICE VACATED IN DEFAULT OF GIVING BOND. The surety on each official bond shall be some approved surety company, provided that the premium charged shall not exceed a rate of 50 cts. on the \$100.00 for each year, provided that the premium on any single bond may not be less than \$5.00. The premium on bonds with surety companies as sureties shall be paid by the city. In case the premium shall be in excess of the rate aforesaid, then a bond may be given with personal sureties. All official bonds shall be made payable to the City of Fresno. The City Commission shall have power to increase the amounts fixed by this charter for the official bonds of officers whenever in its judgment it shall be necessary to increase such amount, and may require an additional bond whenever any official bond may be deemed insufficient, and upon the failure on the part of any officer to furnish a satisfactory bond at the request of the City Commission, the office shall be declared vacant by the City Commission and as soon as such declaration is made, the office becomes vacant.

ARTICLE XI

*Elections.*Elective
officers.

Sec. 89. **ELECTIVE OFFICERS.** The Commissioner of Public Safety and Welfare, Commissioner of Finance, Commissioner of Public Works, Legislative Commissioners, and Police Judge, shall be elected by the registered, qualified electors of said city at the general municipal election to be held therein, and members of the Board of Education shall be elected at such election by the registered, qualified electors of the school districts as provided for in section 65 of this charter. Of the candidates for Legislative Commissioner, the two receiving the highest number of votes shall be declared to be elected, and of the candidates for the Board of Education, the number of persons equal to the number of offices to be filled receiving the highest number of votes shall be declared to be elected, and of the candidates for the remaining elective offices, the candidate receiving the highest number of votes in each case shall be declared to be elected. All elective officers shall hold over their terms until the election and qualification of their successors.

Time of
election
and
terms of
office.

Sec. 90. **TIME OF ELECTION AND TERMS OF OFFICE.** The first election under this charter shall be held on the second Monday in April, 1921; provided, however, that if the Legislature has not approved this charter by the first Monday in March, 1921, then and in that event the first election under this charter shall be held on the first Tuesday in June, 1921, instead of on the second Monday in April, 1921.

The second election under this charter shall be held on the second Monday in April, 1923, and an election shall be held every two years thereafter on the second Monday in April. Said elections shall be known as the General Municipal Election. Other elections shall be known as Special Elections. At the first election all elective offices shall be filled, and the persons elected shall take office on the first Monday after the result of the election shall have been officially declared, and the persons elected, except Legislative Commissioners and members of the Board of Education who are governed by the special provisions hereinafter mentioned, shall hold office until the first Monday after the official declaration of the result of the General Municipal Election held the second Monday in April, 1925. An election for Commissioner of Public Safety and Welfare, Commissioner of Finance, Commissioner of Public Works and Police Judge shall be held at the General Municipal Election in 1925, and every four years thereafter, and the persons elected shall take office on the first Monday after the result of the election shall have been officially declared, and shall hold office for a term of four years. In the case of the Legislative Commissioners, the Commissioners first elected shall hold office until the first Monday after the official declaration of the result of the general municipal election held the second Monday in April, 1923. An election for Legislative

Commissioners shall be held at the general municipal election in 1923, and every four years thereafter, and the persons elected shall take office on the first Monday after the result of the election shall have been officially declared and shall hold office for a term of four years. The members of the Board of Education first elected shall classify themselves by lot so that three shall serve until the first Monday after the official declaration of the result of the general municipal election held the second Monday in April, 1923, and two shall serve until the first Monday after the official declaration of the result of the general municipal election held on the second Monday in April, 1925. Members of the Board of Education elected after the first election shall serve for a term of four years, and three members shall be elected at the election at which Legislative Commissioners are chosen and two shall be elected at the election at which other elective officers are chosen, and in each case shall take office on the first Monday after the result of the election shall have been officially declared.

Sec. 91. **CANVASS OF VOTE, DECLARATION OF RESULT. ELECTION CERTIFICATES.** Canvass of vote. The City Commission must meet at its usual place of meeting on the first Monday after the general municipal election; and if the returns from each precinct in which polls have been opened have been received, the Commission must then and there proceed to canvass the returns. But if all the returns have not been received, the canvass must be postponed from day to day until all the returns are received.

The canvass, declaration of result, and certificates of election must be had and made in conformity with the laws of the State of California.

Sec. 92. **GENERAL LAWS ADOPTED. OFFICERS. HOW NOMINATED. NO PRIMARY.** General laws adopted. The provisions of all general laws governing elections for state, county and municipal officers not inconsistent with the provisions of this charter, are hereby adopted as the law governing city elections for the elective city officers except that no party name or designation shall appear on the ballots, and all candidates shall be designated as "Independent," and the City Commission and City Clerk, respectively, shall exercise the powers and perform the duties conferred or imposed on boards of supervisors and county clerks concerning elections; provided, that a candidate for any city office can be nominated only in the manner provided in Section 1188 of the Political Code of the State of California, except that no party name or designation shall appear in the certificate, and the candidate shall be designated as "Independent," and no primary election shall be held.

Sec. 93. **MAILING SAMPLE BALLOT.** Sample ballot. As soon as possible after time for making nominations has expired, and at all events at least ten days immediately preceding any municipal election, the City Clerk shall mail to each registered

voter a sample ballot, and nothing unofficial shall be mailed therewith.

Candidates' statements of qualifications.

Sec. 94. **CANDIDATES' STATEMENTS OF QUALIFICATIONS.** At the time of filing his nomination papers, each candidate for an elective office shall file with the City Clerk a verified statement showing the name of the candidate, the office for which he is a candidate, his place of residence, place of birth, present occupation, what public offices he has held, whether he is a taxpayer in the City of Fresno, and a statement giving information as to his experience and qualifications, to the end that the electors may be in a position to estimate his fitness to fill the office, and the names of not less than five nor more than twenty residents of the City of Fresno to whom he refers. Until otherwise provided by ordinance, such statements shall not exceed five hundred words in length. At the time of filing said statement, each candidate shall also pay to the City Clerk a printing fee which, until otherwise provided by ordinance, shall be the sum of \$15.00. The City Clerk shall cause said candidates' statements to be printed in some convenient form and shall mail a copy of said statements to each registered voter with the sample ballot. The provisions of this section are self executing, but the City Commission, by ordinance, may more definitely prescribe the form of said candidate's statement. The printing fees so collected by the City Clerk shall be paid into the City Treasury, and the expense of printing said candidates' statements shall be paid from the City Treasury. No refund from printing fees shall be made to candidates, nor shall any extra charge be made, regardless of whether the printing expense is more or less than the amount of the fees received.

Change in election laws.

Sec. 95. **MUNICIPAL ELECTIONS EXCEPT FOR OFFICES MAY BE GOVERNED BY ORDINANCE.** The method and manner of holding municipal elections other than for elective officers including the canvassing of returns and declaring the result of such elections, may be prescribed by ordinance passed by the affirmative vote of four members of the City Commission, or passed in accordance with the initiative provisions of this charter, and until such ordinance is enacted such elections shall be held and conducted as nearly as may be in accordance with the provisions of the election laws of the state, the City Commission performing the duties imposed on boards of supervisors, and the City Clerk performing the duties imposed on county clerks by the state laws.

Sec. 96. **VOTERS MAY CHANGE ELECTION LAWS FOR ELECTING OFFICERS.** The method and manner of holding elections for elective city officers including canvassing the returns and declaring the results of such elections prescribed in this article may be changed by ordinance enacted in accordance with the initiative provisions of this charter, or enacted by the affirmative vote of four members of the City Commission and approved by the majority vote of the regis-

tered, qualified electors of the city at any general or special municipal election, and primary elections may be provided for in like manner, it being the intent of this article to prescribe the method and manner of holding such elections and canvassing the returns and declaring the results thereof only until changed in the manner above provided.

ARTICLE XII.

Initiative, Referendum and Recall.

Sec. 97. GOVERNED BY STATE LAWS UNTIL CHANGED BY ORDINANCE APPROVED BY ELECTORS, EFFECTIVE DATE OF ORDINANCES. The right of the people to recall elective officers, to initiate legislation, and to require the reference to the electors of legislation enacted by the City Commission, shall exist and shall be exercised in accordance with ordinances regulating these matters enacted by the City Commission and approved by the qualified electors of the city at any general or special municipal election. Such ordinances may be amended in the same manner. Until such ordinances are enacted, the rights aforesaid shall be exercised under the conditions and provisions of the Constitution and laws of the State of California now existing and hereafter enacted relating to the recall, initiative and referendum as applied to municipalities, except that the petition for initiative measures shall be signed by registered, qualified electors of the city equal in number to 20% of the entire vote cast within such city for all candidates for Governor of the State at the last preceding general election in the city at which such Governor was voted for. Until otherwise provided in such ordinances adopted as hereinabove provided, and with the exceptions provided in the state law governing referendums as applied to municipalities, now existing or hereafter enacted, no ordinance shall go into effect for thirty days after its passage, so as to allow time for the referendum proceedings provided for in the state law, and unless otherwise specified in the ordinance, all ordinances shall go into effect thirty days after their passage.

Initiative,
referendum
and recall.

ARTICLE XIII.

Franchises and Public Utilities.

Sec. 98. FRANCHISES GRANTED BY ORDINANCE. Franchises and renewals, extensions, readjustments, resettlements, and amendments thereof shall be granted and made by ordinance and only in such manner as may be prescribed by ordinance. All such ordinances prescribing the manner of granting franchises shall require for their enactment or amendment the affirmative vote of four members of the City Commission. Such ordinances shall provide for the publication of all proposed ordinances granting franchises, renewals, ex-

Franchises.

tensions, readjustments, resettlements or amendments prior to their final enactment, and for a written report upon the proposed franchise, renewal, extension, readjustment, resettlement or amendment by the Commissioners of Finance and Public Works prior to the granting or making thereof. No public utility franchise shall be transferable except with the approval of the City Commission expressed by ordinance; and copies of all transfers, trust deeds, mortgages or other document affecting the title or use of public utilities shall be filed with the Commissioner of Finance within ten days after the execution thereof.

Term and
plan of
purchase.

Sec. 99. **TERM AND PLAN OF PURCHASE.** Any public utility franchise may be terminated by ordinance at specified intervals of not more than ten years after the beginning of operation, whenever the city shall determine to acquire by condemnation or otherwise, the property of such utility. Indeterminate franchises may also be granted, subject always to the right of the city at any time and upon six months' notice in writing to acquire and possess the property of the grantee. The method of determining the price to be paid for the public utility property in each case shall be fixed in the ordinance granting the franchise.

Right of
regulation.

Sec. 100. **RIGHT OF REGULATION.** All grants, renewals, extensions, readjustments, resettlements or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the city: (a) to repeal the same by ordinance at any time for non-use, or for failure to begin construction within the time prescribed; (b) to require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency; (c) to regulate the rates and charges of all public utilities; (d) to establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates; (e) to prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility and to require annual and other reports by each such public utility; provided, that if a public service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state or throughout any district of which the city is a part, the forms so prescribed shall be controlling so far as they go, but the City Commission may prescribe more detailed forms for the utilities within its jurisdiction; (f) to impose such other regulations as may be conducive to the safety, welfare, and accommodation of the public.

Consent of
property
owners.

Sec. 101. **CONSENT OF PROPERTY OWNERS.** The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but any such property owner shall be entitled to recover from the owner of such public utility the actual amount of damages to such property on account thereof,

less any benefits received therefrom; provided, suit is commenced within two years after the damage is begun.

Sec. 102. **REVOCABLE PERMITS.** Permits revocable at the will of the City Commission for such minor or temporary public utility privileges as may be specified by ordinance may be granted and revoked by the City Commission from time to time in accordance with the terms and conditions to be prescribed by such ordinance, and such permits shall not be deemed to be franchises as the term is used in this charter. Such ordinance, however, shall be subject to the same procedure as an ordinance granting a franchise and shall not be passed as an emergency measure. Revocable permits.

Sec. 103. **EXTENSIONS.** All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in sections 99, 100 and 108 hereof. Extensions.

Sec. 104. **OTHER CONDITIONS.** Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in sections 98 to 113 hereof, whether or not such terms are specifically mentioned in such franchise. Nothing in this charter shall operate to limit in any way, except as specifically stated, the discretion of the City Commission or the electors of the city in imposing terms and conditions in connection with any franchise grant. Other conditions.

Sec. 105. **FRANCHISE RECORDS.** Within six months after this charter takes effect, every public utility and every owner of a public utility franchise shall file with the city, as may be prescribed by ordinance, certified copies of all the franchises owned or claimed, or under which any such utility is operated. The City shall compile and maintain a public record of all public utility franchises and of all public utility fixtures in the streets of the city. Franchise records.

Sec. 106. **CITY COMMISSIONERS INVESTIGATION OF PUBLIC UTILITIES.** It shall be the duty of the Commissioner of Finance and the Commissioner of Public Works to investigate and report on all proposed ordinances relating to public utilities. The Commissioner of Finance shall exercise a diligent oversight over the operation of all public utilities operated under franchises with reference to financial transactions and from a financial standpoint, and the Commissioner of Public Works shall exercise a like oversight over such public utilities as to other matters. The City Attorney shall represent the city in all proceedings before any State Public Utilities Commission involving the public utilities within the city. The Commissioners of Finance and Public Works shall perform such other duties in relation to public utilities as may be prescribed by the City Commission. Investigation of public utilities.

Accounts of
municipal
utilities.

Sec. 107. PROVISIONS FOR ACCOUNTS OF MUNICIPALLY OWNED UTILITIES IN THE CONTINGENCY OF PUBLIC OWNERSHIP. Accounts shall be kept for each public utility owned or operated by the city, distinct from other city accounts and in such manner as to show the true and complete financial result of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the city of each public utility owned, the cost of all extensions, additions and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes, and, in the case of city operation all operating expenses of every description. The accounts shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. The accounts shall also show a proper allowance for depreciation, insurance and interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The City Commission shall annually cause to be made and printed for public distribution a report showing the financial results of such city ownership or ownership and operation, which report shall give the information specified in this section and such other information as the City Commission shall deem expedient.

Acquisition
of public
utilities.

Sec. 108. ACQUISITION OF PUBLIC UTILITIES. The city may establish, acquire, lease and operate, or cease to operate and dispose of public utilities and quasi public utilities at its own option in the manner provided by state laws now existing or hereafter enacted, or by the majority vote of the registered, qualified electors of the city in the manner provided by ordinance enacted by the City Commission by the affirmative vote of four members of such Commission. All amendments of such ordinances shall require a like vote. In such ordinances the City Commission may define what are public utilities and quasi public utilities.

Sec. 109. RIGHT TO ASSUME OBLIGATIONS OF UTILITIES. In acquiring public utilities and quasi public utilities, the city may purchase the same subject to existing bond issues and other obligations thereof, whether secured by mortgages or trust deeds against the property of such utilities or not, and may assume and pay such obligations as a part of the purchase price.

Optional
method of
determining
rates.

Sec. 110. OPTIONAL METHOD OF DETERMINING RATES. Whenever, in the judgment of the Commission, any public utility owning a franchise within the city is unable either to render efficient public service, make necessary extensions, or in any way unable properly to perform to the full its obligations under its then owned or procurable franchise for such purposes, by reason of such public utility being unable under the then existing rates, tolls or fares properly to finance itself for the furnishing of such extension of service, the Com-

mission may, after two weeks' notice by publication in a newspaper published in the city (which notice shall appear in at least two issues of such paper) by the affirmative vote of at least four of its members make an agreement with such public utility for the submission of the matter to the Railroad Commission of the State (or other body created in its place with similar jurisdiction), which shall make a valuation of the necessary physical property of such public utility and fix rates, tolls or fares so as to return a reasonable rate of interest on the ascertained value of such property, which rates, tolls or fares shall continue in effect for not less than one year, when the matter can again, on the initiation of either the City Commission or public utility, be submitted to the Railroad Commission (or such other body with similar jurisdiction) for an increase or reduction in such rates, tolls or fares, and the decision of such Railroad Commission (or other body with similar jurisdiction) shall be a continuing one from year to year until altered in the manner prescribed above.

Sec. 111. **OPTIONAL METHOD FOR EXTENSIONS OF FRANCHISES AND SERVICES.** Any new franchises hereafter granted to a public utility already enjoying a franchise from the city, for an extension of its service, by ordinance passed by the affirmative vote of four members of the City Commission, may be made co-terminus with the then existing franchise of such public utility where such new service and old service are necessary to the proper performance of either service for the public use. The City Commission may, by the affirmative vote of four of its members, declare an extension of the service of any public utility to be a public necessity, and call upon such utility to make such extension and grant a reasonable franchise to such utility for such extension, and, upon the failure of such utility within a reasonable time, to be fixed by the Commission, to make such extension, the Commission shall make an application to the Railroad Commission of the State (or other body with similar jurisdiction created in the place of said Railroad Commission) asking for its order in the premises. The matter of reasonableness and terms in the premises shall then be left to the jurisdiction and order of the Railroad Commission (or other body within similar jurisdiction created in its stead).

Optional
method for
extensions.

Sec. 112. **STATE LAWS.** All provisions relative to public utilities or franchises shall apply only where not inconsistent with state laws.

State
laws.

ARTICLE XIV.

Miscellaneous Provisions.

Sec. 113. **OATHS OF OFFICE.** Every officer, before entering upon the discharge of his duties, shall take the Constitutional oath of office.

Oaths of
office.

Sec. 114. **OATHS, POWERS TO ADMINISTER.** Each commissioner, police judge, and each member of any board in

Oaths.

the city government and each officer whose appointment must be confirmed by the City Commission, and such other officers as the City Commission may determine, and officers upon whom the power is specially conferred in this charter, shall have authority to administer oaths and affirmations in connection with any matter appertaining to the business of the city, and each department or board and each commissioner shall have authority to investigate and report to the City Commission upon any matter appertaining to the jurisdiction or administration of the work of such department, board or commissioner, and shall have the power to subpoena witnesses and compel their attendance, and the City Commission shall have power to provide for the punishment of disobedience of such subpoenas.

Deputies.

Sec. 115. **DEPUTIES.** The City Commission may authorize any officer of the city, except legislative commissioners, police judges, and members and officers of the Board of Education to appoint a deputy or deputies. Such deputies shall have the same qualifications as their principals and qualify as other city officers, and the principals shall be liable on their official bonds for the acts of their deputies, and all acts performed by such deputies shall be as valid and binding as if done by the principals. The City Commission may fix the compensation of any deputy authorized by it, provided that the deputy shall be paid by the principal, unless the principal, devoting all of his time to the duties of his office, is unable personally to perform the duties required. No deputy shall sit or vote in the City Commission.

Full time.

Sec. 116. **OFFICERS TO GIVE CITY FULL TIME.** The Commissioner of Public Safety and Welfare, Commissioner of Finance, Commissioner of Public Works, and Police Judge, shall devote their entire time to the duties of their respective offices. All appointive officers receiving salary from the City Treasury, except as otherwise provided in this charter, or by the City Commission, shall devote their entire time to the duties of their respective offices.

Office hours.

Sec. 117. **OFFICE HOURS.** Except as otherwise in this charter provided, or by ordinance, all officers of the city shall keep their respective offices open for the transaction of business from the hours of eight in the forenoon until five in the afternoon of each day: Sundays and legal holidays excepted.

Vacations.

Sec. 118. **VACATIONS.** The City Commission may by ordinance provide for reasonable annual vacations for officers and employees.

Absence from city.

Sec. 119. **ABSENCE FROM CITY.** No officer or employee of the city shall absent himself from the city for more than five days, except on his annual vacation, without the permission of the City Commission entered in its minutes. The City Commission is authorized to issue such permits when deemed proper by it for a period not exceeding sixty days. A violation of this section by any officer or employee of the city

shall be sufficient cause for his removal from office or employment.

Sec. 120. **SUBORDINATE OFFICERS AND EMPLOYEES PROVIDED FOR.** The City Commission shall by ordinance provide for such officers and employees under the jurisdiction of each department or board of the city government as may be necessary for the proper and efficient administration of such department and boards and may by ordinance prescribe the duties and compensation of any officer or employee, subject to the provisions of this charter, and where the duties are not fixed by ordinance the same may be fixed by the head of the department or by the board under whose jurisdiction the officer or employee is employed. The City Commission may also provide for the method of appointment of any officer or employee provided for by it, subject to the Civil Service provisions of this charter.

Subordinate officers and employees.

Sec. 121. **REGULATIONS AS TO PROPERTY.** The property of the city may not be mortgaged or hypothecated, except that the property of public utilities or quasi public utilities may be mortgaged or hypothecated as security for bond issues relating to the utility the property of which is mortgaged or hypothecated, but this section shall not be construed to prevent the issuance of bonds and the making of temporary loans as otherwise provided for in this charter. No real property shall be purchased or sold by the city until appraised by three appraisers, one of whom shall be the Commissioner of Finance and the other two competent appraisers appointed by the City Commission for the purpose, and no real property shall be sold until after publication once a week for two weeks (i. e. two insertions) in a newspaper published in such city calling for sealed proposals for the purchase of the property to be sold. The provisions of this section do not apply to property under the jurisdiction of the Board of Education, which is governed by the State laws.

City property.

Sec. 122. **GREAT EMERGENCIES.** In times of a great epidemic, or great public calamity, such as a fire, earthquake, flood, or tornado, destroying a large portion of the city, or other similar calamity, the City Commission may adopt such relief measures as in its judgment the situation demands, and may use such funds therefor as in its judgment the situation requires, and may pledge the credit of the city for the funds necessary to carry out such relief measures.

Great emergencies

Sec. 123. **REAFFIRMATION OF POWER OF CITY COMMISSION.** Except as limited in this charter, the City Commission may enact any ordinance or pass any resolution within the power of the city.

Power of commission.

For the purpose of carrying out any of the powers granted to the city under this charter, the Commission may elect to follow any law or laws of the State of California now existing or hereafter enacted appropriate therefor.

Sec. 124. **PUBLIC UTILITY OFFICIALS DISQUALIFIED.** No officer or employee of a public utility operating in

Disqualification for office.

the city shall be a member of the City Commission while in the employ of such public utility.

Sec. 125. GENERAL DISQUALIFICATION FOR OFFICE. No person shall be eligible for any office or employment in the city government who has been guilty of malfeasance in office, bribery, or other infamous crime, or who, in any capacity, has embezzled public funds.

Bribes.

Sec. 126. BRIBES PROHIBITED. No officer or employee of the city shall give or promise to give to any other person, any portion of his compensation or any money, or valuable thing, in consideration of having been, or of being, nominated, appointed, voted for, or elected, to any office or employment; and if any such promise or gift be made, the person making or accepting such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed or employed in the service of the city.

Gifts.

Sec. 127. CERTAIN GIFTS PROHIBITED. Any officer of the city who shall, while in office, accept any donation or gratuity in money, or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office, and be forever debarred and disqualified from holding any position in the service of the city.

Interest in contracts.

Sec. 128. INTEREST IN CONTRACTS, ETC., PROHIBITED. No officer or employee of the city shall be or become directly or indirectly interested in, or in the performance of, any contract work or business, or in the sale of any article, the expense, price, or consideration of which is payable from the city funds, or in the purchase or lease of any real estate or other property belonging to or taken by the city or which shall be sold for taxes or assessment or by virtue of legal process at the suit of the city, except in his official capacity on behalf of the city. If any person in this section designated, other than in such official capacity, shall, during the time for which he was elected or appointed, acquire an interest in any contract with or work done for the city or any department, branch or office thereof, or in any franchise, right or privilege granted by the city, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever debarred and disqualified from being elected, appointed, or employed in the service of the city; and all such contracts shall be voidable at the option of the City Commission. The ownership of less than five per cent of the stock or shares of a corporation or association with which a contract may be made shall not be considered as involving an interest in the contract within the meaning of this section.

Illegal debts and contracts.

Sec. 129. ILLEGAL DEBTS AND CONTRACTS. Any debt created or contract made in violation of the provisions of this charter shall be void. Any officer wilfully and know-

ingly creating any such liability or debt, or making such illegal contract, shall be deemed guilty of malfeasance in office, and upon conviction shall forfeit his office.

Sec. 130. **LIABILITY FOR ILLEGAL PAYMENTS.** Liability for illegal payments. Every officer who shall approve, allow or pay any demand on the Treasury not authorized by law, ordinance or this charter, shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Sec. 131. **NO PERSONAL PROFIT ON CITY FUNDS.** Personal profit. No officer shall profit personally by the handling of city funds or property.

Sec. 132. **HOLDING OTHER OFFICES FORBIDDEN.** Holding other offices. No officer of the city government receiving compensation from the City Treasury during his tenure of office shall hold any other office or be a member of any board or commission connected with the federal, state or county government, except the office of Notary Public, or member of the National Guard.

Sec. 133. **UNLAWFUL ASSISTANCE TO CONTRACTORS, ETC.** Unlawful assistance to contractors. No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or shall favor one bidder over another, giving or withholding information, or shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Sec. 134. **GRATUITIES PROHIBITED.** Gratuities. No officer or employee of the city shall knowingly accept any gift, frank, free ticket, pass, reduced price, or reduced rate of service from any person, firm or corporation operating a public utility or engaged in business of a public nature within the city or from any person known to him to have, or to be endeavoring to secure, a contract with the city. But the provisions of this section shall not apply to the transportation of policemen or firemen in uniform or wearing their official badges when the same is or may be provided by ordinance.

Sec. 135. **DUTY TO REPORT VIOLATIONS.** Duty to report violations. It shall be the official duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer, or any department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the City Commission all facts and information within his possession concerning such matter; and a wilful failure so to do shall be cause for the removal of such officer or employee, as in case of malfeasance in office.

Enforcement. Sec. 136. **COMMISSION TO ENFORCE THIS ARTICLE.** The Commission is specially charged with the duty of enforcing the provisions of this article.

General penalties. Sec. 137. **GENERAL PENALTIES.** The violation of any provision of this charter, except where a different penalty is prescribed in this charter and except where such violation constitutes a public offense under the laws of the State of California, shall be a misdemeanor and shall be punishable by a fine not exceeding \$300.00, or by imprisonment not exceeding six months, or by both such fine and imprisonment in the discretion of the court. The county jail is hereby declared to be and designated as the city jail, until a city jail is established, and all sentences of imprisonment shall be to the county jail in said city until a city jail is established. The violation of any provision of this charter shall also be sufficient cause for removal from office.

Certain franchises forfeited. Sec. 138. **CERTAIN FRANCHISES FORFEITED.** All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall, within one month after this charter takes effect, in good faith, commence the exercise and enjoyment of such privileges or franchises.

Records public. Sec. 139. **RECORDS PUBLIC, COPIES.** All books, accounts and records of every office, board and department of the city government shall be open to the public at all reasonable times during business hours under such regulations as may be adopted by the City Commission, except such records and documents where the disclosure of the information contained therein would tend to defeat the lawful purpose of the office, board or department, in which case inspection of the records shall be permitted only with the consent of the City Commission. Certified copies of extracts from the books, accounts and records of the city shall be given by the official having the same in custody to any person demanding the same and paying twenty cents a folio of one hundred words for such copies or extracts, which money must be turned into the City Treasury.

Constitutionality. Sec. 140. **CONSTITUTIONALITY OF CHARTER.** If any section or part of a section of this charter is held to be invalid or unconstitutional, such decision shall not invalidate or impair the validity, force or effect of any other section or part of a section of this charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

Tax proceedings. Sec. 141. **TAX PROCEEDINGS PRESUMED REGULAR.** If any action, suit or proceeding in any court concerning an assessment of property, or levy of taxes, or licenses authorized by this charter, or concerning the collection of such taxes or licenses, or in proceedings in consequence thereof,

such assessment, levy and collection, and all proceedings connected therewith shall be presumed to have been regularly and duly had, done and taken until the contrary is shown, and the official records in such matters as to city taxes shall have the same force and effect as evidence as like records relating to county taxes under the state laws.

Sec. 142. JUDICIAL NOTICE—PRIMA FACIE EVIDENCE. Judicial notice. In all prosecutions for violation of any of the provisions of this charter, or for violation of any city ordinance, rule, resolution, or other regulation of the city, whether in the court of original jurisdiction or in any appellate court, it shall not be necessary to plead the contents of the same, but the court before which the proceedings may be pending shall take judicial notice of this charter, and of such ordinance, rule, resolution, or other regulation, and of the contents thereof; and in all civil actions to which the city, or any officer of the city, is a party, either plaintiff or defendant, the adoption and contents of any ordinance, rule, resolution, or other regulations of the city may be proven prima facie by the introduction of the original entry thereof on the records of the Commission, a copy thereof certified by the City Clerk to be a full, true and correct copy of such original entry, or by the introduction of a printed copy published, or purporting to have been published, by authority of the city.

Sec. 143. MEN AND WOMEN EQUALLY ELIGIBLE FOR OFFICE. Men and women equally eligible. Men and women shall be equally eligible for all offices and employments in the City of Fresno, except where otherwise expressly provided by law or ordinance, or where the office or employment must of necessity be filled by a man or a woman.

Sec. 144. DEFINITIONS. Definitions. The word "city" wherever it occurs in this charter means the City of Fresno, and the words "Commission", "commissioner", "department", "board", "officer", or "employee", whenever mentioned in this charter, mean a Commission, commissioner, department, board, officer, or employee, as the case may be, of the City of Fresno.

A plant and equipment for the furnishing of ice to the inhabitants of the city is included within the meaning of the term quasi public utility as used in this charter, and shall be included in any definition of said term prescribed by ordinance.

The definition of words and phrases prescribed in Section 14 of the Civil Code of the State of California, so far as applicable, is adopted as to all such words used in this charter and the ordinances thereunder, unless otherwise expressly provided.

Sec. 145. EXISTING LAWS, ORDINANCES, VESTED RIGHTS AND SUITS, CONTINUED. Existing laws, etc., continued. All acts of the legislature relating to the city, and all city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect until changed or repealed by the proper authority;

and all rights vested under any former act or regulation, when this charter takes effect, shall not thereby be lost, impaired or discharged; and all actions and proceedings commenced in any court wherein the city is a party, shall be continued under the law existing when said action or proceeding was commenced.

Tenure of
existing
officers.

Sec. 146. **TERMINATION OF TENURE OF EXISTING OFFICERS.** The term of all elective officers of the City of Fresno elected under the provisions of the existing charter of said city shall terminate upon the election and qualification of the officers elected under this charter at the first general municipal election provided for in this charter. All other officers of the City of Fresno under the present charter of said city shall continue in office under this charter until their successors are appointed in accordance with the terms of this charter, except where such continuance would be in conflict with the provisions of this charter, and in those cases the terms of such officers shall expire upon the election and qualification of the officers elected at the first general municipal election provided for in this charter.

First
election.

Sec. 147. **PROVISIONS MADE FOR FIRST ELECTION.** The Board of Trustees of the present City of Fresno shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result, and shall take all other action that may be necessary for the initial installation of the new government provided for under this charter.

Charter
in effect
when.

Sec. 148. **WHEN CHARTER TAKES EFFECT.** For the purpose of holding the first general municipal election, nominating and electing officers, canvassing the vote, and declaring the result of such election, and in all matters incidental thereto or necessary therefor, this charter shall take effect and become operative upon its approval by the Legislature of the State of California, and for all other purposes this charter shall take effect and become operative at eleven o'clock a. m. on the first Monday after the result of the first general municipal election provided for in this charter is officially declared; provided, however, that if this charter has not been approved by the Legislature by the first Monday in March, 1921, the provisions of this section shall not be construed to prevent the holding, in accordance with the existing charter of the City of Fresno, of the general municipal election provided for in that charter to be held on the second Monday in April, 1921, nor shall the holding of said election in that event be construed to prevent the taking effect of this charter as hereinabove provided when this charter shall have been approved by the Legislature of the State of California.

CERTIFICATE

Certificate.

WHEREAS, the City of Fresno for many years last past, and at all times hereinafter mentioned prior to the date

hereof, has been and now is a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, on the 30th day of March, one thousand nine hundred and twenty, at a special election duly held on that day in said city under and in accordance with the provisions of Section 8. of Article XI of the Constitution of the State of California, the electors of said city did duly choose and elect H. A. Breusing, Milton M. Dearing, A. A. Dorfmeier, P. L. Grace, L. B. Hayhurst, Mrs. F. C. Huebner, Charles H. Miller, Jeannette Minard, L. A. Nares, D. L. Newman, S. J. Platt, Dr. Kenneth Staniford, Sam Stingley, Mrs. Geo. H. Taylor, and E. B. Walthal, who are all electors of said city and had been such electors for more than five years next preceding their election, and eligible as candidates under said election, a board of fifteen freeholders to prepare, frame and propose a charter for the government of said city; and

WHEREAS, the result of said election was duly declared by the legislative body, to-wit, the Board of Trustees of the said city, on the 5th day of April, one thousand nine hundred and twenty, and the said electors thereafter duly qualified as such freeholders in accordance with the law;

BE IT KNOWN, that in pursuance of the provisions of said Constitution and within the period of one hundred and twenty days after the result of said election was so declared, the said board of freeholders has prepared and does now propose the foregoing draft of a charter as and for the charter for the government of the City of Fresno; and

BE IT FURTHER KNOWN, that the said board of freeholders hereby requests said Board of Trustees to cause the publication and printing of the said proposed charter, and the advertising of a notice that copies of said proposed charter may be had upon application therefor, all as provided by said Section 8 of Article XI of the Constitution of the State of California; and

BE IT FURTHER KNOWN, that said board of freeholders hereby fixes Tuesday, the 2nd day of November, one thousand nine hundred and twenty, the date of the general state election, as the date at which the said proposed charter shall be submitted to the electors of said City of Fresno for their decision as to whether said proposed charter shall be ratified, approved and adopted, or rejected.

IN WITNESS WHEREOF, we, the undersigned members of said board of freeholders, have hereunto set our hands at

Certificate. the City of Fresno, in the county of Fresno, State of California, this 28th day of July, 1920.

MILTON M. DEARING
 KENNETH J. STANIFORD
 P. L. GRACE
 S. L. PLATT
 L. B. HAYHURST
 CHAS. H. MILLER
 H. A. BREUSING
 L. A. NARES
 JEANNETTE F. MINARD
 A. A. DORFMEIER
 MRS. F. C. HUEBNER
 S. STINGLEY
 DAVID J. NEWMAN

Members of the Board of Freeholders
 of the City of Fresno.

ATTEST:

MILTON M. DEARING,
 Chairman of the Board of Freeholders
 of the City of Fresno.

CHAS. H. MILLER,
 Secretary of said Board.

I, CHARLES DILLON, City Clerk of, in and for the City of Fresno, hereby certify that the above and foregoing is a full, true and correct copy of the proposed charter of the City of Fresno as prepared and proposed by a board of fifteen freeholders thereof, and of the certificate of said board of freeholders thereto attached, and filed in the office of the City Clerk of said city on the 28th day of July, 1920.

IN WITNESS WHEREOF, I have hereunto set my hand and have affixed the seal of the City of Fresno, this 28th day of July, 1920.

Seal of the City of Fresno	}	CHAS. DILLON, City Clerk and Clerk of the City of Fresno.
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IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of said City to be affixed, this 24th day of December, 1920.

W. F. TOOMEY,
 Mayor of the City of
 Fresno.

CHAS. DILLON,
 City Clerk of the City
 of Fresno.

[SEAL]

And

WHEREAS. Said charter of the city of Fresno has been submitted to the legislature of the State of California for approval

or rejection without alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said charter as presented to, adopted and ratified by the qualified electors of said city, and as herein above fully set forth, be and the same is hereby approved as a whole as and for the charter of the city of Fresno. Approval by legislature.

CHAPTER 7.

Senate Concurrent Resolution No. 4—Relative to approval of amendments to the charter of the city of San Diego.

[Filed with Secretary of State January 21, 1921.]

WHEREAS, The city of San Diego, in the county of San Diego, State of California, contains a population of over seventy-five thousand inhabitants, and has been ever since the year 1889, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the second day of March, in the year 1889, in manner, form and substance as required by law, and was thereafter on the sixteenth day of May, in the year 1889, duly approved by the legislature of the State of California: and San Diego city charter amendments.

WHEREAS, The legislative body and authority of said city, being the common council thereof, did on its own motion by resolution numbered twenty-five thousand eight hundred ninety-nine, passed and adopted by said common council on the thirteenth day of October, in the year 1920, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said the city of San Diego certain amendments to the charter of said the city of San Diego; and

WHEREAS, Said common council did, by ordinance numbered eight thousand one hundred forty-two of the ordinances of the city of San Diego, entitled, "An ordinance proclaiming a special election for the purpose of submitting a certain ordinance to the electors of the city of San Diego, California, and appropriating the sum of \$5000.00 to defray the expenses thereof," which said ordinance was passed by said common council of said city on October eleventh, in the year 1920, and duly approved by the mayor of said city on October fifteenth, in the year 1920, call a special election of the qualified electors

San Diego
city
charter
amend-
ments.

of said city, to be holden in said city on the seventh day of December, in the year 1920; and

WHEREAS, Said common council did, by resolution numbered twenty-five thousand nine hundred, passed and adopted by said common council on the thirteenth day of October, in the year 1920, proclaim and fix the seventh day of December, in the year 1920, as the date upon which all of said amendments so proposed by said common council of said the city of San Diego would be submitted to the qualified electors of said the city of San Diego, said date being the date upon which a special election for the purpose of submitting a certain proposed ordinance, entitled, "Ordinance No. 7929. An ordinance prohibiting publication and distribution of information concerning horse races and betting thereon," was to be held, and which said special election was proclaimed by the common council of said city to be held on said seventh day of December, in the year 1920, by the terms and provisions of said ordinance numbered eight thousand one hundred forty-two of the ordinances of the city of San Diego, entitled, "An ordinance proclaiming a special election for the purpose of submitting a certain ordinance to the electors of the city of San Diego, California, and appropriating the sum of \$5000.00 to defray the expenses thereof," adopted October eleventh, in the year 1920, and approved by the mayor on October fifteenth, in the year 1920; and

WHEREAS, Said common council did on the thirteenth day of October, in the year 1920, pass and adopt resolution numbered twenty-five thousand nine hundred one, entitled, "A resolution submitting certain charter amendments to the electors of the city of San Diego," wherein and whereby said amendments were, in accordance with section eight of article eleven of the constitution of the State of California, duly submitted to the qualified electors of said city, for their approval at said special election to be holden in said city on the seventh day of December, in the year 1920; and

WHEREAS, Said amendments proposed by said resolution numbered twenty-five thousand eight hundred ninety-nine of said common council of said the city of San Diego on the thirteenth day of October, in the year 1920, were and each of them was on the fifteenth day of October, in the year 1920, and within fifteen days after the passage and adoption of said resolution numbered twenty-five thousand eight hundred ninety-nine of said common council of said the city of San Diego proposing said amendments, published once in "The Evening Tribune," the official newspaper of said the city of San Diego; and

WHEREAS, Said common council of said the city of San Diego caused copies of all of said amendments to be printed in convenient pamphlet form, and from the sixteenth day of October, in the year 1920, until the seventh day of December, in the year 1920, being the date fixed for the election on said charter amendments, did advertise in "The Evening Tribune,"

a paper of general circulation published in said the city of San Diego, a notice that such copies of said amendments might be had upon application therefor at the office of the city clerk in the city hall of said city; and

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WHEREAS, Said election was held in said city on said seventh day of December, in the year 1920, being not less than forty and not more than sixty days after the completion of the advertisement of said amendments and of each of them in the official newspaper of said the city of San Diego, being "The Evening Tribune"; and

WHEREAS, Said amendments were, pursuant to the terms of said resolution numbered twenty-five thousand nine hundred one described and submitted to the qualified voters of said the city of San Diego at said election held on the seventh day of December, in the year 1920, in manner and form as follows:

"Proposition I. Amend Section 4, Chapter III, Article I of the City Charter. This amendment provides that where there is but one office to be filled, any candidate receiving a majority of all the votes cast at the primary election for said office shall be the only candidate whose name shall be placed on the ballot at the general election."

"Proposition II. Amend Section 1, Chapter II, Article II of the City Charter, by changing subdivision 54, and by adding subdivisions 55 and 56. This amendment authorizes the Common Council by ordinance: (a) to make and enforce all laws and regulations in respect to municipal affairs, subject to the limitations of the charter, provided that the city is authorized to exercise any of the rights, powers and privileges granted or prescribed by General Laws of the State; (b) to organize, establish, operate and maintain a municipal gas and electric light plant for the purpose of supplying the inhabitants of the city with gas and electricity for light, heat and power purposes; (c) to provide for municipal garbage collection at a nominal charge, making it unlawful for any person to collect garbage without a license from the city, and permitting the owner of waste food products and commercial garbage to dispose of the same as he sees fit."

"Proposition III. Amend Section 2, Chapter IV, Article III of the City Charter. This amendment provides a four year term of office for the City Treasurer."

"Proposition IV. Amend Chapter VII $\frac{1}{2}$, Article III of the City Charter. This amendment places the control and jurisdiction of City playgrounds in the Operating Department, under the legislative control of the Common Council."

"Proposition V. Amend Chapter VIII, Article III of the City Charter, by adding a new section thereto, to be known and numbered as Section 2. This amendment provides that the premiums on all surety bonds given by officers of the City shall be paid by The City of San Diego."

"Proposition VI. Amend Chapter II, Article V of the City Charter. This amendment enables the City in all proceedings

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for the improvement of streets to take over and do the work itself in the event that no bids are received, or that the bids are too high, and assess the cost of such work against the property owners, in the manner provided for at the present time by the General Law."

"Proposition VII. Amend Chapter I, Article V of the City Charter. This amendment abolishes the Board of Water Commissioners, and vests the control of the impounding system located outside the limits of the city in the Operating Department, under the legislative control of the Common Council; also creates a Water Depreciation Fund which shall be used only for the replacement of depreciated property used in connection with the maintenance and development of the water system of the city; and authorizes the Common Council to enact rules and regulations concerning the said water system which shall have the force and effect of law."

"Proposition VIII. Amend Chapter VII, Article V of the City Charter. This amendment places the government and control of public parks, plazas and squares in the Operating Department, under the legislative control of the Common Council."

"Proposition IX. Amend Chapter VIII, Article V of the City Charter. This amendment places the government and control of the Bay of San Diego in the Operating Department, under the legislative control of the Common Council."

"Proposition X. Amend Chapter IX, Article V of the City Charter. This amendment places the control and management of the cemeteries of the city in the Operating Department, and vests the entire control and management of Mount Hope Cemetery in said Operating Department, under the legislative control of the Common Council."

"Proposition XI. Amend Section 1, Chapter I, Article VI of the City Charter. This amendment provides that the Common Council shall adopt a budget ordinance annually, and limits the various departments in the expenditure of funds to such moneys as shall have been provided in said budget ordinance."

"Proposition XII. Amend Sections 9 and 10, Chapter II, Article VI of the City Charter. This amendment creates certain funds of the City, namely: General Fund, Library Fund, San Diego Harbor Fund, Water Depreciation Fund, Special Election Fund, Playground Fund, Cemetery Fund, Mount Hope Cemetery Fund and Reserve Fund; and provides that all delinquent taxes and all balances left in the various funds of the city, except such balances as are left in special funds, bond funds and special trust funds shall be placed in the Reserve Fund, and that the Reserve Fund can only be used in case of emergency, when the Common Council shall determine by four-fifths vote that the public interest or necessity demands such expenditure."

"Proposition XIII. Amend Chapter II, Article VI of the City Charter, by adding a new section thereto, to be known

and numbered as Section 131. This amendment provides that in all proceedings for the acquisition, construction or completion of any municipal improvement, the General Bond Act No. 2371 of the General Laws of the State shall control, except in one particular, to-wit, that the city shall not incur an indebtedness for public improvements which shall in the aggregate exceed twenty-five per cent of the assessed value of all real and personal property of said city.”

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“Proposition XIV. Amend Chapter III, Article IX of the City Charter. This amendment creates the Department of Public Health, and places the control of such department in the hands of a Health Commissioner, and vests in said Health Commissioner all powers formerly exercised by the Board of Health.”

“Proposition XV. Amend Section 16, Article X of the City Charter. This amendment provides that any officer, board or department having authority to employ any deputy, clerk, assistant or employee shall have the right to remove such person so appointed, and in case of removal shall give written notice thereof stating the cause to the person removed. The amendment also provides for hearing before the Civil Service Commission, who is authorized to either dismiss the employee or to reinstate him on the eligible list. The amendment further provides that in no case shall said discharged employee be re-employed in the department from which he is discharged without the consent of the head of such department.”

“Proposition XVI. Add Article XII to the City Charter. This amendment creates a City Police Court, provides for the office of Police Judge, prescribes his qualifications and powers, and creates the office of Clerk of said Court. The amendment further provides that the City Police Court shall have exclusive jurisdiction over offenses involving a violation of city ordinances and concurrent jurisdiction with justices of the peace over other offenses.”

AND WHEREAS, On the thirteenth day of December, in the year 1920, being the first Monday following the said election, at a regular meeting of said common council of said city, said common council duly and regularly canvassed the returns of said election, and duly declared the result thereof, and said common council did thereby find and determine, and this legislature finds and determines that those certain amendments proposed in said resolution numbered twenty-five thousand eight hundred ninety-nine, and submitted to the qualified electors of said city and designated in said resolution number twenty-five thousand nine hundred one, as Proposition I, Proposition III, Proposition VI, Proposition XI, Proposition XII, respectively, were, and each of them was, duly and regularly ratified by a majority of the qualified voters voting on each such amendment; and said common council of said the city of San Diego did thereby find and determine, and

San Diego city charter amendments.

this legislature finds and determines that those certain amendments proposed in said resolution numbered twenty-five thousand eight hundred ninety-nine, and submitted to the electors of said the city of San Diego, and designated in said resolution numbered twenty-five thousand nine hundred one, as Proposition II, Proposition IV, Proposition V, Proposition VII, Proposition VIII, Proposition IX, Proposition X, Proposition XIII, Proposition XIV, Proposition XV, Proposition XVI, respectively, were not ratified by a majority of the qualified electors voting on each of said amendments; and

WHEREAS, Said charter amendments and each of them so ratified by the qualified voters of said the city of San Diego at said special election are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, which amendments so ratified by the qualified electors of said the city of San Diego are in words as follows, to-wit:

Amend Section 4, Chapter III, Article I of the City Charter, so as to read as follows:

Elections.

“Sec. 4. All primary and general municipal elections for the nomination and election of municipal officers shall be conducted as follows:

All candidates for municipal offices to be elected at each general municipal election, shall be nominated by a primary election, and no names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Tuesday preceding the general municipal election, and the polls shall be opened and closed at the same hours and in all respects other than as in this charter provided; said primary and general municipal elections shall be conducted in accordance with the laws of this state relating to general elections in force at the time of such election.

Any person desiring to become a candidate for any elective office shall, at least fifteen days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

State of California, }
County of San Diego. } ss.

I, -----, being duly sworn, say that I reside at ----- street, in The City of San Diego, County of San Diego, State of California, and that I am a qualified voter therein and have been for more than two years last past, and that I am a candidate for the office of ----- to be voted upon at the primary election to be held upon the ----- Tuesday of ----- (being two weeks before the municipal election), 19----, and I request that my name

be printed upon the official primary ballot for nomination by such primary election for such office. Elections.

(Signed) -----

Subscribed and sworn to before me this ----- day of -----, 19-----

Signature of Officer.

and shall at the same time file therewith a petition of at least fifty qualified electors, requesting such candidacy. Each petition shall be verified by one or more signers thereof before some officer competent to administer oaths, that the statements therein made are true and that each signature to the paper appended, to the personal knowledge of such affiant, is the genuine signature of the person whose name purports to be thereunto subscribed. All signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving his street and number. Within ten days from the date of filing such petition, the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the Common Council shall allow him extra help for that purpose. If said petition shall be found insufficient, it shall be immediately returned to the person filing the same without prejudice to the filing of a new petition to the same effect, provided, that such new petition shall, if found to be sufficient by the city clerk, be filed with the city clerk at least three days before the day of said primary election. The said petition shall be substantially in the following form:

The undersigned, duly qualified electors of The City of San Diego, and residing at the places set opposite our respective names, do hereby request that the name of ----- be placed on the ballot as a candidate for nomination for (name the office) at the primary election to be held in The City of San Diego, for the nomination of candidates to be voted for at the municipal election to be held in The City of San Diego, on the first Tuesday after the first Monday in April, 19-- (Inserting the year).

We furthermore state that we know him to be a qualified elector and a man of good moral character, and in our opinion qualified for the duties of such office.

Name of elector. Number. Street.

Immediately upon the expiration of the time to file the statements and petitions for candidacy, the city clerk shall cause to be published for three consecutive days in all the daily newspapers of general circulation published in said city, in proper form and in alphabetical order the names of the persons as they are to appear upon the primary ballot,

Elections.

and the said city clerk shall have the primary ballots printed with the names of all the candidates in alphabetical order under the name of the office for which they are candidates; and on the right of each name shall be a square. Under the name of the last candidate for the office shall be printed, 'Vote for one,' except that under the caption, 'For members of the Common Council,' shall be the words 'Vote for-----' (giving the number to be elected), and under the caption 'for Members of the Board of Education' shall be the words 'Vote for -----' (giving the number to be elected).

The ballots shall have no party or other designation or mark whatever and shall be in substantially the following form:

(Candidates for nomination for municipal offices for The City of San Diego, California.

For Mayor	Names of Candidates. (Vote for one)	SQUARE
For City Treasurer	Names of Candidates. (Vote for one)	SQUARE
For Members of the Common Council	Names of Candidates. (Vote for ---) (Giving number to be elected)	SQUARE
For Members of the Board of Education	Names of Candidates. (Vote for ---) (Giving number to be elected)	SQUARE''

All ballots printed shall be of precisely the same size, quality, tint of paper, kind of type and color of ink, so that, without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter.

Having caused the ballot to be printed, the city clerk shall cause to be delivered at each polling place a number of such ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for Mayor. The persons who are qualified to vote at the general municipal elections shall be qualified to vote at such primary election. The law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the candidates, and make return thereof to the city clerk upon proper blanks to be furnished by the said city clerk. On the first Thursday following said primary election, the Common Council shall canvass said returns so received from all the election precincts, and shall make and publish, at least once in all the daily newspapers published in said city, the result thereof. Said canvass by the Common Council shall be publicly made.

The two candidates receiving the highest number of votes for each of the offices to be filled, except for the members of the Common Council and members of the Board of Education, shall be the candidates and the only candidates whose names shall be placed on the ballot for said office, provided, that, where more than one office of the same kind is to be filled, the candidates therefor, equal in number to twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general or special election; provided, further, that where there is but one office to be filled and but one person to be elected to such office, any candidate who receives at the primary nominating election a majority of the total number of votes cast for all candidates for such office shall be the only candidate for such office whose name shall be printed on the ballot to be used at such general or special election.

Elections.

Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Amend Section 2, Chapter IV, Article III of the City Charter, so as to read as follows:

“Sec. 2. The Treasurer shall be elected in the same manner and at the same time as are members of the Common Council, and shall hold office for four years.”

Treasurer.

Amend Chapter II of Article V. of the City Charter, so as to read as follows:

“CHAPTER II.

The mode and manner for the improvement of streets, lanes, alleys, places or courts in this city, where an assessment is levied for the payment of any part or portion of the expenses thereof, shall be as prescribed by the general law of the State of California, relative to the improvement of streets, lanes, alleys, places or courts in municipalities, in force at the time proceedings were taken for the improvement of the same, except in the following particulars:

Street
Improve-
ments.

When no proposals or bids for doing the work prescribed by the resolution of intention are delivered to the Clerk, as invited by the notice inviting the same, as provided for in the general law under which the city is proceeding, or when the proposals or bids for doing the work, in the discretion of the Common Council, are too high, the Common Council may, in its discretion, by a vote of three-fourths of its members in the affirmative, direct that a proposal or bid in the name and on the part of the City be filed, whereupon the contract for doing the work shall be awarded to the City, and the City shall thus be and become the contractor, within the meaning of the general law under which the city is proceeding, and when the time has expired within which, as provided in said general law, the owners may

elect to take the contract, shall have expired, and such owners have not so elected, the city shall be deemed to have undertaken to do and complete the work, at the price named in such bid or proposal, within ninety days after the time when as aforesaid it is deemed to have undertaken the same, and to begin such work within fifteen days after said time. The city need not enter into a contract with the superintendent of streets as provided in the general law under which the city is proceeding, nor give any check or bond, either upon bidding or to secure the performance of the work or payment for labor or materials. The warrant provided for in the general law under which the city is proceeding shall be delivered to the Clerk of the Common Council, and such clerk is hereby authorized to make on the part of the City the demand provided for in the general law under which the city is proceeding. Except as in this charter expressly provided otherwise, all and singular the provisions of the general law under which the city is proceeding shall apply in the case where the City, under the provisions of this charter becomes the contractor, that is to say, undertakes to do the work. And all the rights, dues and remedies of the contractor, under the provisions of the general law under which the city is proceeding, shall accrue to the city in its character of one undertaking to do the work, as provided in this Charter."

Amend Section 1, Chapter I, Article VI, of the City Charter, so as to read as follows:

Budget.

"Section 1. On or before the last Monday of November of each year the head of each department of the city government shall prepare and transmit to the Auditor of said City an estimate of the probable necessities of said department for the ensuing fiscal year, giving the amount needed for salaries and probable wants of said department in detail, and showing the necessities of said department to be provided for in the Treasury. On or before the second Monday, in December of each year the Auditor of The City of San Diego shall prepare and transmit to the Common Council, accompanied with the estimates and reports of each department which he shall require to be delivered to him from the heads of each department on or before the last Monday in November of each year, an estimate of the probable necessities of the city for the ensuing fiscal year, giving the amount required to meet the interest and sinking fund for any and all outstanding bonded indebtedness, together with the amount needed for salaries and probable wants of all departments of the municipal government in detail, and showing the necessities of each of the several funds to be provided for in the Treasury. The estimate shall also show as nearly as may be what amount of income and revenue is likely to accrue to the Treasury and be collected from fines, licenses, and other sources of revenue, exclusive of tax upon property, and shall give an estimate of what amount will be required to be levied and raised by tax upon all property in the city in order to meet the necessities of such fiscal year, said

estimates to be based upon, where practical, the resources and expenditures of the preceding fiscal year; and, at the same time, the Auditor shall also report to the Common Council the balance on hand in the City Treasury, and in each of said funds.

On or before the first day of January of each year the Common Council shall adopt a budget ordinance which shall fix and determine the amount of money to be expended by each department during the ensuing fiscal year, and it shall appropriate out of the General Fund such sums of money as may be necessary to carry on the various departments of the city government during the ensuing fiscal year. Said budget ordinance shall further provide a budget for each department, and shall make it unlawful for any department to expend during any one month of the ensuing fiscal year more than one-twelfth of the amount allotted to said department for said fiscal year, except as may be by ordinance of the Common Council otherwise provided."

Amend Sections 9 and 10, Chapter II, Article VI of the City Charter, so as to read as follows:

"Section 9. The following funds are hereby established:

1. "General Fund." All moneys received by the City from ^{Funds.} any source whatever, except such moneys as are provided by this charter to go into special funds hereinafter named, shall be placed in the General Fund, to be transferred by Auditor's transfers to various funds established by the annual budget ordinance.

2. "Library Fund;" into which must be placed all moneys received by said City for the use and benefit of the San Diego Public Library, and from which must be paid all expenditures made and ordered by the Board of Library Trustees and the San Diego Public Library.

3. "San Diego Harbor Fund;" into which shall be placed all moneys derived from tide land leases, franchises, dockage, wharfage, crannage, warehouse or wharf tolls and charges and other income from the tide lands and harbor improvements; and from which said fund shall be paid all expenses for wharf building and repairs, and for all harbor improvements.

4. "Water Depreciation Fund;" into which shall be placed not less than ten per centum of the gross receipts derived from the sale of water by The City of San Diego, and such other moneys as may be transferred into said fund. This fund shall be used exclusively for the replacement of depreciated property of the water system of The City of San Diego.

5. "Special Election Fund," from which shall be paid expenses of all special elections. Transfers of money from the General Fund to the Special Election Fund shall be made at such times and in such amounts, so that there shall stand at all times to the credit of the Special Election Fund moneys sufficient to defray the expense of at least two special elections.

6. "Playground Fund;" into which shall be placed all donations, legacies or bequests for the improvement or maintenance

Funds.

of playgrounds, or for the acquisition of new playgrounds, and said fund shall be used exclusively for the benefit of the city playgrounds. The Common Council, however, is authorized to invest the moneys in said Playground Fund as in Section 4, Chapter VII- $\frac{1}{2}$, Article III provided.

7. "Cemetery Fund;" into which shall be placed all moneys received for the care and upkeep of Mount Hope Cemetery, other than moneys derived from the sale of lots in Mount Hope Cemetery. This fund shall be used only for the purpose of maintaining, beautifying and improving Mount Hope Cemetery.

8. "Mount Hope Cemetery Fund;" into which shall be placed all moneys derived from the sale of lots in Mount Hope Cemetery. This fund shall constitute a sinking fund for the permanent upkeep of graves and lots in said cemetery.

9. "Reserve Fund," into which shall be placed all delinquent taxes and all balances left in the various funds of the City at the end of each fiscal year, except such balances as may be left in the special funds hereinabove designated and balances on hand in various bond funds of the City, and such special trust funds as may be created for the improvement of streets. No expenditures shall be made from the Reserve Fund except in cases of emergency, when the Common Council shall determine by a four-fifths vote that the public interest or necessity demands such expenditure.

The Common Council may from time to time establish such other funds as it may deem necessary, and shall establish and continue in force all Interest Funds, Bond Funds, Bond Redemption Funds, and other funds now or hereafter established for the payment of all interest upon, and the payment of all bonded indebtedness of said City; and the percentage of each annual tax levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned to said several funds accordingly; and no transfer shall be made from one fund to another except as otherwise provided in this charter, unless by vote of the Common Council, by ayes and noes, recorded in the journals of proceedings; and in no case shall any moneys be transferred from the School Fund or Library Fund or Water Depreciation Fund or San Diego Harbor Fund or Playground Fund, or Cemetery Fund or Mount Hope Cemetery Fund to any other fund. The Common Council shall by ordinance determine and designate to what funds shall be apportioned all moneys arising from the levy of all license taxes in the city; provided, that none of such moneys shall be apportioned to either the School Fund, Library Fund, or to any of the Bond Funds, Interest Funds, or Bond Redemption Funds of the City.

Section 10. All moneys arising from fines imposed and collected under city ordinances shall be paid into the General Fund of the City."

State of California, {
 City of San Diego. } ss.

This is to certify that We, Louis J. Wilde, Mayor of The Certificate.
 City of San Diego, and Allen H. Wright, City Clerk of said
 City, have compared the foregoing proposed and ratified
 amendments to the Charter of The City of San Diego with
 the original proposals submitting the same to the electors of
 said City at a special election held on the seventh day of De-
 cember, one thousand nine hundred twenty, and find that the
 foregoing is a full, true, correct and exact copy thereof; and
 we further certify that the facts set forth in the preambles
 preceding said amendments to said Charter are and each of
 them is true.

IN WITNESS WHEREOF, we have hereunto set our hands
 and caused the same to be authenticated by the seal of said
 City of San Diego, this thirty-first day of December, one thou-
 sand nine hundred twenty.

LOUIS J. WILDE,
 Mayor of The City of San Diego.

ALLEN H. WRIGHT,
 City Clerk of The City of San Diego.

SEAL.

WHEREAS, The said proposed amendments are now submit-
 ted to the legislature of the State of California for approval
 or rejection without power of alteration or amendment in
 accordance with section eight of article eleven of the constitu-
 tion of said state; now, therefore, be it

Resolved by the senate of the State of California, the assem- Approval by
bly concurring, a majority of all the members elected to each legislature.
 house voting therefor and concurring therein, that said amend-
 ments to the said charter herein set forth as proposed and
 submitted to and adopted and ratified by the qualified electors
 of said city, be, and the same are, and each of them is, hereby
 approved as a whole, without amendment or alteration, for and
 as amendments to, and as part of, the charter of said the city
 of San Diego.

CHAPTER 8.

*Senate Concurrent Resolution No. 3—Approving four certain
 amendments to the charter of the city of Alameda, in the
 county of Alameda, State of California, voted for and rati-
 fied by the electors of said city of Alameda at a special
 municipal election held therein on the thirty-first day of
 August, 1920.*

[Filed with Secretary of State January 21, 1921.]

WHEREAS, The city of Alameda, in the county of Alameda, Alameda
 State of California, contains a population of over twenty city
 thousand inhabitants, and has been ever since the year 1917, charter
 and now is, organized and acting under a freeholders' charter amend-
 ments.

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adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the ninth day of January, 1917, and approved by the legislature of the State of California on the twenty-fifth day of January, 1917 (Statutes of 1917, page 1752); and

WHEREAS, The legislative body of said city, namely, the council of said city, did, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, by resolution adopted July 20, 1920, duly propose to the qualified electors of the city of Alameda six amendments to the charter of said city, being therein designated as propositions numbers one, two, three, four, five and six, and order that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the thirty-first day of August, 1920, which date was fixed in said resolution as the date for holding said special municipal election; and

WHEREAS, Said proposed charter amendments numbers one, two, three, four, five and six were, and each of them was, on July 21, 1920, duly published in *The Evening Times Star* and *Alameda Daily Argus*, a daily newspaper of general circulation printed, published and circulated in said city of Alameda and designated by said council for that purpose; and

WHEREAS, Said proposed amendments were printed in convenient pamphlet form, and from July 21, 1920, to August 30, 1920, both inclusive, a notice was published in said *Evening Times Star* and *Alameda Daily Argus*, the newspaper aforementioned, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The said council of said city did by resolution designate Resolution No. 316, which was duly adopted on the twentieth day of July, 1920, order the holding of a special municipal election in said city of Alameda on the thirty-first day of August, 1920, which said date was more than forty days and less than sixty days after the completion of the publication of said six proposed amendments as aforesaid, which said resolution was signed by the mayor of said city on the twentieth day of July, 1920, and was published on the twenty-first day of July, 1920, in said newspaper, *The Evening Times Star* and *Alameda Daily Argus*; and whereas, said special municipal election was by said resolution ordered consolidated, according to law, with the general state primary election to be held in said city on said thirty-first day of August, 1920; and

WHEREAS, Said special municipal election was held in said city of Alameda on the thirty-first day of August, 1920, which day was more than forty days and less than sixty days after said proposed amendments to said charter had been published in *The Evening Times Star* and *Alameda Daily Argus*, the said election was also held during the six months next pre-

ceding a regular session of the legislature of the State of California; and

WHEREAS, Thereafter, the council of said city of Alameda did duly canvass the returns of said special municipal election and did, on the seventh day of September, 1920, duly and regularly declare the result of the canvass of the returns of said election; and

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WHEREAS, At said special municipal election, held on said thirty-first day of August, 1920, four of said proposed amendments were ratified by a majority of the electors of said city voting thereon, to wit: Charter amendments numbers one, two, three and six; and all other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, The said four charter amendments so ratified by the electors of the city of Alameda are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

PROPOSITION No. 1.

That a new section be added to the Charter, to be designated as Sec. 18-b of Chapter III, Article IV, to read as follows:

Sec. 18-a. The dollar limit specified in Sec. 18 of this Article shall not include salaries of employees of the school department.

PROPOSITION No. 2.

That a new section be added to the Charter to be designated as Sec. 18-a of Chapter III, Article IV, to read as follows:

Sec. 18-b. The dollar limit specified in Sec. 18 of this Article shall not include salaries of members of the fire department.

PROPOSITION No. 3.

That Section 7 of Article XIV be amended to read as follows:

Sec. 7. The improvement, widening and opening of streets and all matters not specified in this charter, shall be done and assessments therefor levied, in conformity with and under the authority conferred by general law, with the exception of the construction or replacement of sidewalks, curbs and gutters, and the construction of sewers, which improvement, replacement or construction, may be made by ordinance of the council of the City of Alameda and the cost thereof, in whole or in part, paid for out of the city treasury or assessed on the property benefited.

Street
improve-
ments.

PROPOSITION NO. 6.

Lease of
water front
or tide
lands.

That Section 22 of Article II be amended to read as follows:
Sec. 22. The council shall not sell or convey any portion of any water front or tide lands. No lease or sale of real estate shall be authorized by the council except by ordinance passed by the affirmative vote of four-fifths of all the members and no lease shall be made for a period longer than twenty-five years; provided, however, the council by affirmative vote of four-fifths of all the members may authorize leases of the city's waterfront or tidelands for twenty-five years with the right of renewal for a further term not exceeding twenty-five years, in accordance with the provisions of the statute by which said waterfront and tide lands were granted to the city. No ordinance for the lease or sale of real estate or for the lease of waterfront rights or tidelands by the council shall take effect within sixty days from the date of passage.

State of California, }
County of Alameda, } ss.
City of Alameda. }

Certificate.

We, the undersigned, Frank Otis, Mayor of the City of Alameda, State of California, and Wm. E. Varcoec, City Clerk of said city, and Ex-officio Clerk of the Council of said city, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of the City of Alameda, submitted to the electors of said city at a special municipal election held in said city on the thirty-first day of August, 1920, have been compared by us and each of us, with the respective proposed amendments set forth in the resolution adopted by the Council as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the Preamble preceding said amendments to said charter are, and each of them, is true.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Alameda this 22nd day of November, 1920.

FRANK OTIS,

Mayor of the City of Alameda.

W. E. VARCOEC,

City Clerk of the City of Alameda.

[SEAL]

Now, therefore, be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the city of Alameda as proposed to, adopted and ratified by the electors of said city, as hereinbefore fully set forth, be, and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as a part of the charter of the city of Alameda.

CHAPTER 9.

Senate Concurrent Resolution No. 9—Relative to approving the charter of the city of Grass Valley, of the State of California, voted for and ratified by the qualified voters of said city of Grass Valley at a special municipal election held therein for that purpose on the thirtieth day of November, 1920.

[Filed with Secretary of State January 24, 1921.]

WHEREAS, The city of Grass Valley, in the county of Nevada, State of California, now is and at all times herein referred to was a city containing a population of more than three thousand five hundred (3,500) inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

WHEREAS, Said city of Grass Valley at all times mentioned herein, was and now is, organized and existing under a freeholder's charter adopted under the provisions of section eight of article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city on the twenty-first day of January, A. D. 1893, and approved by the state legislature on the thirteenth day of March, 1893; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a new charter for said city of Grass Valley, as set out in the certificate of the mayor and city clerk of the city of Grass Valley, to wit:

City of Grass Valley, }
 County of Nevada, } ss.
 State of California. }

We, the undersigned, W. J. Michell, mayor of the city of Grass Valley, State of California and C. F. Lobecker, clerk of said city, do hereby certify and declare as follows:

That the city of Grass Valley, in the county of Nevada, State of California, now is and at all times herein referred to was a city containing a population of more than three thousand five hundred (3,500) inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States.

That said city of Grass Valley at all times mentioned herein was, and now is, organized and existing under the freeholder's charter adopted under the provisions of section eight of article eleven of the constitution of the State of California, which said charter was duly adopted and ratified by the majority of the qualified electors January 21, 1893, and approved by the legislature of the State of California on the thirteenth day of March, 1893.

That on the twentieth day of March, 1920, there was filed in the office of the city clerk of said city, a petition praying that

Grass
Valley
city
charter.

an election be called for choosing a board of fifteen (15) freeholders to frame, prepare and propose a new charter for the city of Grass Valley; that said petition was duly verified by George Coughlin, county clerk of the county of Nevada, California, and certified as signed by, and that said petition was signed by not less than fifteen (15) per cent of the registered electors of said city; that pursuant thereto said mayor and board of trustees did, by ordinance, call such special election to be held on the thirtieth day of November, 1920; that at such election held on said day, a board of fifteen (15) freeholders, duly qualified, was elected in and by said city, by the electors thereof, which said board within one hundred twenty (120) days after the result of said election was declared, duly prepared and proposed, and on the sixteenth day of September, 1920, filed in the office of said city clerk, a new charter for the government of said city and upon said charter designated the thirtieth day of November, 1920, as the date upon which said charter should be submitted to the electors of said city for ratification; that said proposed charter and said designation of the date for the submission thereof to the electors for ratification, were duly signed by all of the members of said board of freeholders; that thereupon said mayor and board of trustees duly called and gave notice of such special election to be held on the thirtieth day of November, 1920, and did, within fifteen (15) days after the filing of said charter cause the same to be published once, to wit, on the twenty-eighth day of September, 1920, in the *Grass Valley Morning Union*, a newspaper of general circulation, printed and published in the said city and did cause such copies of said charter to be printed in convenient pamphlet form, and until the date fixed for said election upon such charter, did advertise in said named paper a notice that such copies of said charter could be had at the office of the city clerk upon application therefor, that at said election, duly and regularly held, on the thirtieth day of November, 1920, a majority of the qualified voters voting thereon voted in favor of such proposed charter and the mayor and board of trustees of said city at a meeting held in the manner required by law, duly canvassed the returns of said election and duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified said charter; that said charter, as the same was prepared, proposed and ratified as herein set forth is as follows, to wit:

In witness whereof, we have hereunto set our hands and seals this eighth day of January, 1921, and caused the seal of the city to be affixed.

W. J. MICHELLI,
Mayor of the City of Grass Valley.
C. F. LOBECKER,
Clerk of said city.

Attest:

(SEAL)

ARTICLE I.

The municipal corporation now existing, known as the City of Grass Valley, shall remain and continue a body politic, and corporation in name and in fact by the name of the City of Grass Valley, and by that name shall have perpetual succession; may sue and be sued; and use a common seal.

The said City shall comprise the SE. quarter, the S. half of the NE. quarter, the SE. quarter of the NW. quarter, and the E. half of the SW. quarter of Sec. 27, Township 16, N. Range 8 East, M. D. B. & M; the same as, the territory of the Town of Grass Valley; also that portion of Boston Ravine annexed to the City which lies west of the Townsite of Grass Valley also south Grass Valley, and located in Sec. 27, 33, and 34 Twp. 16 North Range 8 East, M. D. B. & M; particularly bounded and described as follows to-wit:

Commencing at a post on the W. boundary of Grass Valley Townsite, at a point N. $0^{\circ} 26'$, E. 1117.3 feet from the SW. corner of said Townsite; thence magnetic variat or 19° E., S. $84^{\circ} 46'$ W., 1714.1 feet to a post marked "B. R. no. 2," thence deflecting back of Daniel Decble's house; thence deflecting $62^{\circ} 39'$ left, S. $22^{\circ} 4'$ W., 1402.4 feet to a post marked "B. R. no. 3;" thence deflecting $68^{\circ} 40'$ to the left, S. $46^{\circ} 36'$ E., 869.2 feet to post "no. 4" on E. side of lane, between Desmond's and R. Ryans; thence deflecting $31^{\circ} 46'$ to the left, S. $78^{\circ} 22'$ E., 1510 feet crossing just below the junction of the North Star and Forest Springs roads 1994 feet to post back and S. of Harry's residence. 2696.1 feet to the center of street leading from Ophir Street to Larkin's, from which the SE. corner of J. Ryan's residence lot bears N. 63° W., 39.3 feet, and the SW. corner of Mrs. J. Miller's lot bears N. 52° E., $24\frac{1}{2}$ feet dist.; thence deflecting $48^{\circ} 4'$ to the right, S. $29^{\circ} 40'$ E., down to the center of said street, 377.9 feet to point from which the NE. corner of Wasley's lot bears N. $79\frac{1}{2}^{\circ}$ W., $21\frac{1}{2}$ feet dist.; thence deflecting $31^{\circ} 40'$ to the left, S. $61^{\circ} 20'$ E. down the center of said street, 503.8 feet to a point; thence deflecting $0^{\circ} 42'$ to the left, S. $62^{\circ} 2'$ E., down to the center of said street, 208.07 feet to a point; thence deflecting $35^{\circ} 35'$ to the right, S. $26^{\circ} 27'$ E., along to the center of said street, 524.4 feet to a point on the S. boundary of S. Grass Valley Townsite; thence E. 635 feet to the SE. corner of S. Grass Valley Townsite; thence northerly following the E. boundary of S. Grass Valley Townsite to the NE. corner thereof, where the same intersects the S. boundary of said Grass Valley Townsite to the SW. corner thereof; thence N. $0^{\circ} 26'$ E., 1117.3 feet along the W. boundary of said Grass Valley Townsite to the place of beginning.

NEW TERRITORY.

(A) Sec. 1. The boundaries above described may be altered, and the territory embraced therein may be added to or diminished in accordance with the laws of the State of

California governing the annexation and exclusion of territory by municipalities.

RIGHTS, POWERS, AND LIABILITIES.

Powers of city.

Sec. 2. The City shall have power:

(a) To acquire, purchase, receive, and hold real and personal property within and without the city limitations for any municipal purpose, and to sell, lease, or dispose of the same, provided, that the rights of the city in its streets, parks, and the bed of Wolf Creek shall be inalienable, except as otherwise provided in this Charter.

(b) To receive bequests and gifts, and to do all things necessary to carry out the purpose of such bequests and gifts.

(c) To make and enforce ordinances for the protection of the health, morals, peace, safety, comfort and convenience of the people; to provide penalties for the violation thereof.

(d) To license, for the purpose of regulation and revenue corporations, copartnerships or persons engaged in any business occupation, trade or profession.

(e) To grant franchises to corporations, copartnerships, and persons to construct and operate business utilities in the streets and public grounds in the City, subject to the limitations hereinafter set forth.

(f) To acquire by the right of eminent domain or otherwise control, construct, maintain, own and operate lands, buildings, machinery or other property, real or personal, within or without the municipality, for the purpose of supplying the people thereof with water, light, heat, power, transportation, telephone service, baths, playgrounds, fountains, warehouses, conduits, pipe galleries, sewers, cemeteries, crematories, hospitals, jails, schools, libraries, reading rooms, art galleries, nurseries, markets, and all other buildings, works, and institutions which may be necessary for the health, morals, peace, safety, comfort, and convenience of the people.

(g) To fix the rates, if any, at which any of the above services shall be furnished to the inhabitants of the city or others.

(h) To create, provide for, construct, and maintain streets, sidewalks, curbs, and all other things of the nature of public works and improvements; to exercise any and every power conferred upon municipalities for this purpose, by the Constitution and laws of this State, to levy and collect special assessment to pay for the same.

(i) To levy and collect taxes upon any or all objects of taxation upon which a city may lay a tax in accordance with the Constitution and laws of this State, subject to the limitations hereinafter imposed.

(j) To borrow money for any of the purposes for which the City is authorized to provide, and for the purpose of carrying out any of the powers granted to the City by this Charter, but shall not contract indebtedness on behalf of the City in excess of the sum of five thousand (5,000) dollars, without the con-

sent of two-thirds of the qualified electors voting thereon, and to issue bonds therefor; PROVIDED, that in the procedure for the creation and issuance for such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken, shall be observed and followed.

(k) To do and perform any and all other acts and things appropriate to a municipal corporation which are not specifically forbidden by the Constitution or laws of this State, or which may be for the general welfare and good of the people of said City of Grass Valley, and no enumeration of powers in this Charter shall be taken to imply any limitation of the foregoing general grant of power.

REVENUE AND TAXATION.

Sec. 3. The fiscal year shall begin on the first day of July of each and every year.

Sec. 4. A property tax, to be levied by the City Council upon all property, real and personal, within said City at 12 o'clock M., of the first Monday in March of each year, which may equal but shall never exceed seventy-five (75) cents on every one hundred dollars, assessed valuation of such property. Revenue
and
taxation.

Sec. 5. They shall levy and collect such licenses as the law of the State of California now or hereafter in force, whereby the assessment of property and the collection of taxes may be made in the City of Grass Valley. At the time of the adoption of this Charter, all ordinances of the City upon this subject in effect at the time of such adoption, shall remain in full force and effect until repealed or amended and it shall be the duty of the City Assessor and Tax Collector to see that assessments of property shall be collected. The City Council shall act as a Board of Equalization with power to collect, modify, strike out, or raise any assessment, provided, that notice shall be given to the party whose assessment is to be raised.

TAX LIENS.

Sec. 7. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owners thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefore, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for the city taxes due thereon, the same shall be struck off and sold to the city. In like case and in like manner and with like effect, and with like right of redemption as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide Tax
liens.

for the procedure to be followed in such sales to the city and redemption thereafter.

ARTICLE II.

ELECTIVE OFFICERS.

Elective
officers.

Sec. 1. The elective officers of the City shall be three Councilmen, who shall be elected at large, five members of the Board of Education to be elected as hereinafter provided, and a City Treasurer who shall be ex-officio auditor. They shall be qualified electors of the City of Grass Valley.

Sec. 2. The Trustees and other elective officers in office at the time of the adoption of this Charter shall hold office for the terms for which they were chosen or designated, and until the election and qualification of their successors, as provided for in this Charter, which said Councilmen and other elective officers shall hold office for the term of four years, and until the election and qualification of their successors.

Sec. 3. Every elective officer shall, before entering upon the duties of his office, take the oath of office provided for in the constitution of this State, and shall file the same with the City Clerk. Each Councilman shall, before entering upon the duties of this office, give and execute with the City a bond with a surety company as sole surety in the penal sum of fifteen hundred (1500) dollars, conditioned upon the true, honest, and faithful performance of the duties of his office. The City Treasurer shall give and execute a similar bond in the penal sum of ten thousand (10,000) dollars, as Treasurer, and the sum of twenty-five hundred (2500) dollars as Auditor. The Council shall make provision for the payment of the premium of the said bonds out of the City Treasury. The bonds of the Councilmen shall be approved by the Auditor and the bond of the Treasurer and Auditor shall be approved by the Council. When approved, the bond of the Councilmen shall be filed with the City Auditor, and the bond of the City Treasurer and Auditor with the City Clerk.

ELECTION WHEN HELD; AND HOW.

Conduct of
elections.

Sec. 4. Candidates to be voted for at all general municipal elections under the provisions of this Charter shall be nominated in the manner hereinafter prescribed, and not otherwise. The first general municipal election shall be held on the first Monday in May, 1921, and every fourth year thereafter. Any person desiring to become a candidate for an elective office shall, at least thirty days prior to said general municipal election, file with the City Clerk a statement of such candidacy, in substantially the following form.

STATE OF CALIFORNIA, }
COUNTY OF NEVADA. } SS.

I, (-----) being first duly sworn, say that I reside at No. ----- street, City of Grass Valley, County of Nevada, State of California; that I am a qualified elector therein; that I am a candidate for the office of ----- to be voted upon at the general municipal election to be held on the first Monday of May, 19-----, and I hereby request that my name be printed upon the official ballot for such office at such general municipal election for such office.

Statement
of
candidacy.

SIGNED -----

And shall at the same time file therewith the petition of at least one and not more than three per cent of the qualified voters of said City requesting such candidacy.

Sec. 5. The petition of candidacy shall consist of not less than one nor more than three per cent of the individual certificates which shall read substantially as follows:

Petition of
candidacy.

STATE OF CALIFORNIA:
COUNTY OF NEVADA, }
CITY OF GRASS VALLEY. } SS.

I, the undersigned, certify that I do hereby join in a petition for the candidacy of ----- whose residence is at No. ----- street, Grass Valley, for the office of -----, to be voted for at the general municipal election to be held in the City of Grass Valley on the ----- day of May, 19--: and I further certify that I am a qualified elector and am not at this time a signer of the petition of any other candidate for the above named office, that my residence is at No. ----- street, Grass Valley, and that my occupation is -----

(Signed) -----

STATE OF CALIFORNIA, }
COUNTY OF NEVADA, } SS.
CITY OF GRASS VALLEY. }

-----, being duly sworn, deposes and says that he is the person who signed the foregoing certificate, and that the statements therein are true and correct.

(Signed) -----

Subscribed and sworn to before me this ----- day of -----, 19-----.

Verification Deputy.

The petition of candidacy of which this certificate forms a part shall if found insufficient, be returned to -----, at No. ----- street, Grass Valley.

FORMS TO BE SUPPLIED BY THE CITY CLERK.

Sec. 6. It shall be the duty of the City Clerk to furnish upon application a reasonable number of official forms of individual certificates of the above character.

Signatures.

Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the City Clerk. Each certificate must contain the name of one candidate and no more. Each signer must be a qualified elector, and must not at the time of signing the certificate have signed his name to any other certificate for any other candidate to the same office; PROVIDED, that each elector may sign the certificate for a separate office of a number of candidates for the office of Councilmen, not exceeding the number to be elected. In case an elector has signed two or more conflicting certificates all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a verification deputy as provided in this section. Each certificate must further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient, or upon the withdrawal or death of any candidate.

Verifica-
tion
deputies.

Sec. 7. The candidate may appoint verification deputies to serve within the city, who must be qualified electors of the City of Grass Valley in securing signatures to his paper for candidacy to the office for which he is a candidate, and the verification deputies thus appointed shall be recognized as the duly authorized verification deputies to secure signatures to the candidacy paper of such candidate in the city. The document in which such verification deputies are appointed as herein provided, shall be filed with the city Clerk of said City of Grass Valley, at or before the time the petition of the candidate is left with the City Clerk for filing or for examination, said document shall be in substantially the following form:

I, the undersigned, a candidate for the office of _____, which office is to be filled by direct vote at a general municipal election to be held on the 1st Monday in May, 19___, do hereby appoint the following registered qualified electors of the City of Grass Valley, County of Nevada, as verification deputies to obtain signatures in said City to a petition placing me as a candidate for the said office of _____.

VERIFICATION DEPUTIES.

Name.	Residence
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
	(Signature) -----
	(Residence) -----

Filed in the office of the City Clerk of the City of Grass Valley, County of Nevada, this _____ day of _____, 19___.

City Clerk.
By _____ Deputy.

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of such candidate, one or more similar documents may be filed to supplement the first document.

Sec. 8. A petition of candidacy must be presented to the City Clerk not earlier than forty-five (45) days nor later than thirty (30) days before the general municipal election, except as otherwise provided in this Charter. The City Clerk shall endorse thereon the date upon which petition was presented to him. Presentation of petition.

Sec. 9. When a petition is presented for filing to the City Clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this Charter. If found not to conform thereto, he shall then and there in writing designate on said petition the defects or omissions or reasons why such petition cannot be filed, and shall return the petition within five (5) days after the same has been presented to him, to the person named as the person to whom the same may then be amended and again presented to the Clerk as in the first instance, but not later than twenty (20) days before the election. The Clerk shall forthwith proceed to examine the petition as hereinbefore provided. Examination of petition.

Sec. 10. Any signer to a petition of candidacy and certificate may withdraw his name from the same by filing with the City Clerk a verified revocation of his signature before the filing of the petition by the Clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office. Revocation of signature.

Sec. 11. Any person whose name has been presented under the provisions of this Charter as a candidate may, not later than twenty-five (25) days before the day of election, cause his name to be withdrawn from nomination by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If, upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made, by filing petitions therefor, not later than twenty (20) days prior to such election, in the same manner as hereinbefore provided. Withdrawal of nomination.

Sec. 12. If either the original or amended petition of candidacy be sufficiently signed as hereinbefore provided, the City Clerk shall file the same not less than eighteen (18) days before the date of election. When a petition of candidacy shall have been filed by the City Clerk, it shall not be withdrawn nor added to, and no signature shall be revoked thereafter.

Sec. 13. The City Clerk shall preserve in his office for a period to two (2) years, all petitions and all certificates comprising the same filed under this section.

Ballots.

Sec. 14. The ballots shall be printed upon plain substantial white paper, and shall have no party designation or mark whatever, and shall be in substantially the following form:

Candidates for Councilmen, City Treasurer and Ex-Officio Auditor, and Board of Education of the City of Grass Valley, at the general municipal election held May-----, 19-----.

Place a cross (X) in a square following the name of the candidate for whom you desire to vote.

FOR COUNCILMAN.

Vote for (giving the number).

(Here print alphabetically the names of all candidates for Councilmen, with a square following each name.)

Vote for three.

For City Treasurer and Ex-Officio Auditor.

Vote for one.

(Here print alphabetically the names of all candidates for City Treasurer and Ex-Officio Auditor, with a square following each name.)

Candidates for the Board of Education.

(Here print alphabetically the names of all the candidates for members of the Board of Education.)

Vote for five.

Sec. 15. Having caused said ballots to be printed, the said City Clerk shall cause to be delivered at each polling place a number of said ballots equal to 10 per cent more than the number of registered voters in such polling precinct who are entitled to vote at said election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and shall forthwith make return thereof to the City Clerk, upon proper blanks to be furnished by the said clerk. The council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

In case there is but one person to be elected to an office, the candidate receiving a plurality of the votes cast for all the candidates for that office shall be declared elected.

Sec. 16. The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers and canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

Sec. 17. If at any general municipal election any elective officer is to be chosen to fill the unexpired portion of a term as provided in Art. II. Sec. 1. of this charter, all provisions of this article with regard to nominations and elections shall apply to the candidates for such unexpired term, provided, that the statement of candidacy and the petitions of nomination shall clearly state that the candidate is a candidate for the short term, and that on the ballots at the general munic-

General
law to
govern.

Filling
unexpired
term.

ipal elections, the candidate for such short term shall be listed as for a separate office.

ARTICLE III.

SALARIES AND VACANCIES; HOW FILLED.

Sec. 1. Each councilman shall receive the sum of ten (10) Salary of councilmen. dollars per month as his total compensation, and absence from three consecutive regular meetings, unless excused by resolution of the Council, shall operate to vacate the seat of any member so absent.

Sec. 2. Any vacancy in any elective office, from whatever Vacancies. cause arising, shall be filled by the Council until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; PROVIDED, that if, for any reason, the seats of a majority of the Council shall become vacant, the City Clerk shall call a special election to fill the vacancies for the unexpired portions of the term, which election shall be conducted as hereinbefore provided for the general municipal election.

ELECTION OF PRESIDENT.

Sec. 3. At the first meeting of the City Council after the President of council. regular municipal election under this Charter, the Council shall select one of their members President, who shall be designated Mayor; the Mayor shall preside over the Council, and may speak and vote as any other member. In case of his absence from any meeting of the Council, the Council shall select from their number a president pro tempore. If, at any time, the office of Mayor becomes vacant by resignation or because, for any reason the person holding said office ceases to be a member of the Council, the Council shall select some other member as president or Mayor for the unexpired balance of the term. In case of death or resignation of any member of the Council, the remaining members may appoint someone to take the place of the one deceased or resigned.

The new member to hold office until a special or general municipal election is held.

RULES GOVERNING COUNCIL.

Sec. 4. The council shall act only by motion and vote, or Rules governing council. by ordinance or resolution. The vote upon the passage of all ordinances and resolutions shall be by "ayes" and "nocs" and entered upon the journal. The affirmative vote of two members shall be necessary for the passage of any ordinance or resolution. All resolutions and ordinances shall be signed by the presiding officer of the council and attested by the City Clerk.

Sec. 5. In addition to those cases in which an ordinance is required by other provisions of this Charter, no action pro-

viding for any specific improvements or the appropriation or expenditure of any public money, except sums of less than three hundred (300) dollars for the appropriation, acquisition, sale, or lease of public property; for the levying of any tax or assessment, or granting of any franchise, or establishing or changing fire limits, or for the imposing of any penalty, shall be taken except by ordinance; provided that such exceptions be observed as may be called for in cases where the Council has taken action in pursuance of the general law of the State.

Sec. 6. The enacting clause of all ordinances shall be, "Be it ordained by the Council of the City of Grass Valley. All ordinances shall be introduced in written or printed form, and, with the exception of the annual appropriation ordinance, shall contain but one subject which shall be clearly stated in the title. If any subject shall be embraced in an ordinance or resolution which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed.

Sec. 7. An ordinance, unless it is declared to be an emergency measure as otherwise provided in this Charter, must, before going into effect, be published in a newspaper of general circulation published in the City of Grass Valley with the eyes and noses for five days, and, in case of any amendment before it goes into effect being made thereto, the entire ordinance amended, must, in like manner, be republished as amended for not less than two days. No ordinance shall be amended unless the whole section to be amended be set forth as amended, and the original section repealed.

ARTICLE IV.

POWERS OF COUNCIL.

Powers of
council.

Sec. 1. The Council, or a committee thereof, may investigate the affairs of any department, or the official acts and conduct of any official. It shall have power to administer oaths, compel the attendance of witnesses and the production of books and papers, and may punish for contempt any person failing to obey its subpoena, or refusing to testify. No person shall be excused from testifying, but his testimony shall not be used against him in any criminal proceeding, other than for perjury.

POWERS OF THE COUNCIL, RELATIVE TO STREET WORK.

Street
work.

Sec. 2. The Council shall have power to establish or change the grading of any street or public place; to order the whole or any part of any street, avenue, lane, alley, court or place within the city of Grass Valley to be graded or regraded to the official grade, paved or repaved, macadamized or remacadamized, graveled, or regraveled, capped or recapped, sewerred or re sewerred; to order side walks, manholes, culverts, cesspools,

gutters, tunnels, curbing and cross walks to be constructed therein; to order breakwaters and also any other work or improvement therein; to provide for the care of shade trees planted, therein and to cause shade trees to be planted, set out and cultivated therein, and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property. And all things whatsoever under the laws of the State of California in force at the time of the adoption of this Charter relative to streets, sewers, alleys, lanes, parks or otherwise. The Council may improve or change any street if they see fit for the best interest of the city.

STREET OPENINGS.

Sec. 3. The Council shall further have power to order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city and to condemn and acquire any and all property necessary or convenient for that purpose. Whenever, in the judgment of the Council (or of the people), the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvements shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners shall be performed by the Superintendent of Public Works, and all clerical work shall be performed by the City Clerk, who shall receive no compensation therefor other than the salaries of their respective offices.

CLOSED OR ABANDONED STREETS.

Sec. 4. Whenever any street or portion of a street shall be abandoned or closed by ordinance, the council may convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the council shall deem that equity require.

PUBLIC WORK TO BE DONE BY CONTRACT.

Sec. 5. All public buildings and works when the expenditures therefor shall exceed three hundred dollars shall be done by contract and shall be let to the lowest responsible bidder, after advertising for five days in a daily newspaper of general circulation published in the city, for sealed proposals for the work contemplated. Provided, that the Council may reject any and all bids, if deemed excessive and re-advertise for bids or provide for the work to be done by the city under the direction of the Superintendent of Public Works, when such procedure does not conflict with the general laws of the state. Provided further, that no city official shall be directly or indirectly interested in any contract.

Public
work to
be done
by contract.

Sec. 6. All contracts shall be approved as to form by the City Attorney and shall be signed by the president of the

council and Superintendent of public works, and attested by the City Clerk.

Sec. 7. At the time of executing the contract, the contractor shall execute to the city and file with the city clerk a bond in the penal sum of at least twenty-five (25) per cent of the contract price; secured by two or more sufficient sureties or by a surety company, approved by the city auditor and city attorney, conditioned upon the faithful performance of the contract within the contract time.

ARTICLE V.

APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS.

Appointive
officers.

Sec. 1. There shall be the following appointive officers, boards, and commissions who shall perform the duties assigned them by this Charter or by ordinances.

Sec. 2. A superintendent of public works who shall also have charge of the city streets, lighting, water, and sewer system; City Clerk, City Attorney, City Assessor, not less than two police officers; Board of Health; Health Officer; and Board of Library Trustees; and City Planning Commission of five members as hereinafter provided.

Sec. 3. The Council may by ordinance provide for the appointment and duties of such other officers, boards, commissions, deputies or employees as may be necessary to carry on the functions of the city, as defined by this charter.

Sec. 4. The Council shall fix the qualifications and compensation of the superintendent of public works. All officers shall serve at the pleasure of the Board, and shall, before taking up the duties of their office, take the oath of office prescribed for elective officers, and file the same with the City Clerk; and shall, where required by the council, give bonds for the faithful performance of their duties, to be approved by the City Auditor and filed with the City Clerk.

ARTICLE VI.

FIRE DEPARTMENT.

Fire
depart-
ment.

Sec. 1. The Fire Department and all the fire apparatus, and the purchase thereof, shall be under the control and management of the City Council.

Sec. 2. The Fire Department shall consist of three companies now existing and such other companies as may be hereafter organized. A Chief Engineer (who shall be ex-officio Fire Marshal), two Assistant Engineers and as many members in each company as the city council may determine.

Sec. 3. The members of the Fire Department shall elect their own officers and members; provided, that the city council shall have power to admit any organized Fire Company of fifteen or more members, in their Fire Department.

Sec. 4. The city council shall suspend or remove for cause, any officer or member of the Fire Department, and fix and

enforce penalties for violation of any rules or regulations made for the government of the Fire Department; provided, nothing in this section shall, at any time, prevent the consolidation of any of the existing companies.

ARTICLE VII.

BOARD OF HEALTH.

Sec. 1. The Board of Health shall consist of five members, the Health officer, and four other members, two of whom at least shall be practicing physicians. With the exception of the Health officer, the members of the Board of Health shall serve without pay. The Board of Health shall be appointed by the City Council, and shall hold office during the pleasure of said council.

Board of health.

Sec. 2. The Board of Health shall exercise general supervision over the health and cleanliness of the City, and shall take all necessary measures for the preservation and promotion thereof; shall enforce all laws, ordinances, and regulations relative to the preservation of the Public Health, the prevention and suppression of disease and unsanitary conditions, and sanitary inspection, and shall also exercise supervision of the production, transportation, storage, and sale of food stuffs; and shall cause a complete and accurate system of Vital statistics to be kept.

Sec. 3. The Health Officer shall be the Chairman and Chief Executive Officer of the Board, and shall have Police powers.

Sec. 4. The compensation of the Health Officer shall be fixed by the City Council, and shall not be increased or diminished during his term of office and he shall be responsible to the Council for the enforcement of all Public Health laws.

Sec. 5. The City Clerk shall be ex-officio clerk of the Board of Health.

ARTICLE VIII.

PUBLIC LIBRARY.

Sec. 1. The Board of Public Library Trustees shall consist of five members, to be appointed by the City Council, whose term of office shall be in accordance with the laws of the State of California relative to Free Public Libraries.

Public library.

Sec. 2. The laws of the State of California relating to Public Libraries shall be in full force and effect as the laws governing the Public Library of the City of Grass Valley.

Sec. 3. The Board of Public Library Trustees shall serve without pay.

Sec. 4. All fees, fines or other moneys collected by the librarian shall be paid into the city treasury once each month.

ARTICLE IX.

POLICE DEPARTMENT.

Police
depart-
ment.

Sec. 1. The Police Department of the City of Grass Valley shall consist of a permanent force of such number of policemen, (not less than two, as the council shall, from time to time, by ordinance, ordain and establish;) and said council shall also, by ordinance, provide for its government and control; and shall fix the compensation of such Police officers.

POLICE COURT.

Police
court

Sec. 2. Any regularly elected Justice of the Peace for Grass Valley Twp. shall constitute the police judge to handle all matters pertaining to the city.

Sec. 3. All fees and fines collected from any and all sources shall be paid by said police judge or Justice of the Peace monthly into the city treasury and he shall file a detailed statement of all money collected by him on behalf of the city.

ARTICLE X.

CITY PLANNING COMMISSION.

City
planning
commission.

Sec. 1. The City Planning Commission shall consist of five persons, one of whom at least shall be an engineer, to be appointed by the Council for a term of four years, who shall serve without compensation.

Sec. 2. All ordinances or resolutions relating to the location of public buildings, the location, extension, widening, enlargement, ornamentation, and parking of any street boulevard, park way, playgrounds, park, or other public grounds, the vacation of streets or other alteration of the city plan of streets, and the location of any bridges or street railway shall be laid before it immediately after introduction.

Sec. 3. The commission may comment and make recommendations with regard to the plan of the city.

Sec. 4. All places, plots or replots of lands laid out in buildings lots, and the streets, alleys, or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits shall be subject to the approval of the City Planning Commission and no plot or map containing the same shall be considered by the City Council until it has been approved by the City Planning Commission.

ARTICLE XI.

CITY AUDITOR.

City
auditor.

Sec. 1. The City Auditor and Treasurer shall be the general accountant and responsible fiscal officer of the city. He shall keep a complete set of books. He shall have power to administer oaths, summon witnesses and order the production of books, papers or other evidence of any purpose connected

with the financial administration of the city. No money shall be drawn from the city treasury except by warrant drawn by the city clerk, countersigned the President of the Council and approved by the Auditor. He shall receive for his services a salary not to exceed the sum of two hundred (200) dollars per year, payable out of the City Treasury.

CITY TREASURER.

Sec. 2. The city treasurer shall be the custodian of all the moneys of the city. He may deposit such moneys in a bank or banks subject to the limitations of the constitution and general laws of the state. Before assuming the duties of his office he shall file with the city council a surety company bond in the penal sum of ten thousand (10,000) dollars conditioned for the true, faithful and honest performance of his duty. The premium on this bond shall be paid by the city. He shall receive as salary for his services of one hundred (100) dollars per year, payable as other salaries in this Charter provided. City treasurer.

ARTICLE XII.

CITY ATTORNEY.

Sec. 1. The City Attorney shall be an Attorney at Law duly admitted to practice in the Courts of the State; shall be a qualified elector of the City of Grass Valley, and shall have practiced law at least five years. He shall represent the City in all litigation, including the prosecution of criminal cases arising out of the City ordinances. He shall be the regular advisor of the Council, and all other officers, boards, and departments of the City; shall give his opinion in writing when requested by any officer or board. He shall draft all proposed ordinances, or resolutions, when requested to do so by the Council, and shall perform such other duties as may be prescribed by ordinance. His salary shall be fixed by the City Council. City attorney

ARTICLE XIII.

SUPERINTENDENT OF PUBLIC WORKS.

Sec. 1. The superintendent of public works shall be appointed by the City Council; shall hold office at their pleasure. He shall have complete charge of the streets, water, lighting, and sewer systems of the City; shall have the power to hire, employ, and discharge the necessary laborers and assistants necessary and proper to carry on his work, and shall have the power to purchase material and supplies not in excess of the sum of one hundred dollars without first procuring the consent of the City Council, and shall make a monthly report to the City Council of his work, covering the preceding month at the first monthly meeting of the Council. Superintendent of public works.

ARTICLE XIV.

CITY ASSESSOR.

City
assessor.

Sec. 1. The City Assessor shall be appointed by the Council; shall hold office at their pleasure and shall assess the property within the city on the first Monday in March of each year, and shall perform such other duties as are required by city assessors under the laws of the State of California, and make due return thereof to the City Clerk within the time required by the laws of the State of California. He shall receive a salary for his services to be fixed by the City Council.

ARTICLE XV.

CITY CLERK.

City
clerk.

Sec. 1. The City Clerk shall be appointed by the Council. He shall be the custodian of the seal of the City, and shall be ex-officio tax, license, and water collector. He shall safely keep all books, records, and other documents required by this Charter of the laws of the State, to be kept and filed in his office. He shall act as clerk of the Council and the Board of Health; he shall collect all taxes, licenses and water rates imposed by the Council, and perform such other duties as may be, from time to time, prescribed by said Council. He shall have power to administer oaths; and before entering upon his duties he shall take the oath of office, and file a bond of some surety company in the penal sum of ten thousand (10,000) dollars which said bond shall be approved by the City Council and remain on file with the City Auditor. The compensation of the City Clerk shall be fixed by the Council. The City Clerk shall not draw his warrant for the payment of any claims against the city until he is satisfied that the claim represents an obligation legally incurred and is not, when added to all expenses already incurred against the appropriation in question, in excess of the amount of said appropriation, or said appropriation plus, duly authorized transfers thereto, nor together with all claims already paid from the fund from which it is to be paid, in excess of the money actually paid into the city treasury on account of said fund during the current fiscal year.

Sec. 2. All claims shall be submitted to the city clerk upon vouchers, the form of which shall be prescribed by the auditor. Before issuing such voucher the city council must act as a finance committee and recommend the passage or nonpassage of every bill presented.

ARTICLE XVI.

PAYMENT OF MONEY INTO THE TREASURY.

Payment
of moneys.

Sec. 1. The City Clerk shall collect all licenses and other moneys due the city of Grass Valley and shall pay the same into the city treasury and account therefore to the city auditor

daily. The city auditor shall direct the proper fund to be credited therewith.

REPORT OF FINANCIAL CONDITIONS.

Sec. 2. The city auditor shall lay before the council at its regular monthly meeting in each month, a report containing in detail the receipts and disbursements of the city for the past month and the unexpended balance to the credit of the city; a copy shall be kept in the city hall with the city clerk to be shown to any citizen who desires to look at the same.

^{Financial}
report.

AUDIT OF ACCOUNTS.

Sec. 3. The council shall employ for a stipulated compensation, every two years at least, a certified public accountant who shall, examine the books, records, and reports of the city auditor, and the officers and departments as the council may direct, and file said report with the city clerk. Such accountant shall have unlimited privilege of investigation and the right to examine under oath or otherwise all officers or employees of the city and all such officers or employees shall give all required assistance and information to such accountant and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

^{Audit of}
accounts.

ARTICLE XVII.

FRANCHISES.

Sec. 1. The general power of the council to grant franchises for the construction and operation of public utilities in the streets and public grounds of the city of Grass Valley, shall be exercised as follows.

^{Franchises.}

NO FRANCHISE EXCEPT BY ORDINANCE.

Sec. 2. No franchises shall be granted except by ordinance, and no franchise shall run longer than fifty years. All franchises shall have the reservation to the city of the right to adopt and enforce regulation relating to the operations of the utility for the protection of the health, safety and comfort of the people.

ORDINANCE IN PLAIN TERMS.

Sec. 3. No franchise, permit, privilege or license shall be considered as granted by any ordinance except, when granted in said ordinance in plain terms.

Sec. 4. Every franchise ordinance shall be deemed to constitute a contract between the city and the grantee of the franchise, and shall contain the following stipulations on the part of the grantee:

Franchises.

(A) The grantee of the franchise agrees that in accepting the franchise he becomes the agent of the city for supplying to its inhabitants the utility in question and as such is entitled to no more than a reasonable return upon his actual investment.

(B) That the value of the property and plant of the grantee, for the purpose of fixing rates or purchase price on the part of the city of Grass Valley shall be determined by an appraisal made by the railroad commission of the state of California.

(C) That the property and plant of the grantee shall be subject to purchase by the municipality, on one years notice, at the end of twenty years from the time of granting said franchise or at the end of any five year period thereafter.

(D) That, in the case of steam, interurban, or street railways, or telephone or telegraph companies, gas, light, and power companies, the grantee shall within the discretion of the railroad commission permit the city or any other franchise grantee to make joint use with the grantee of all tracks, pipes, conduits or wires which may be laid on, in, under, or above any streets, highway, alley or other public grounds of the city, upon paying, or tendering, to the grantee a fair proportion of the costs of construction and maintenance of the track or tracks, pipes, conduits or wires so used, and also of the costs of organization, administration, and any other factor which the railroad commission of the state of California shall fix and determine as justly due to the original grantee for the use of such property. The amount and proportion of such costs shall be determined by the railroad commission of the state of California.

(E) That there is reserved to the city the right to adopt and enforce regulations relating to the operation and maintenance of public utilities for the protection of the health, safety and comfort of the people; also the Council reserves the right to adopt such regulations and ordinances as it may deem necessary for the construction, maintenance and repairs of streets, alleys, or highways, utilized under the terms of franchises granted to any public utility.

(F) That the grantee agrees to replace promptly any pavement, street surface or sidewalk disturbed by it in the exercise of its franchise and put the same into as good condition as the remainder of the street, and that if the grantee fails to perform his duty that the city may perform it and the grantee shall pay the cost of the same.

(G) That for any violation of the terms of the contract embodied in the franchise ordinance the grantee shall forfeit to the city of Grass Valley and all rights thereunder and all right and title to the tracks, pipes, wires, conduits or other of its property situate in, under, or above the streets or public ways of the city.

(H) That the grantee will complete the construction and begin the operation of the utility within a time to be set forth in the franchise. The franchise ordinance may contain such

other conditions, limitations, stipulations, or agreements not in conflict with the provisions of this charter, as the council may deem expedient.

(I) The franchise ordinance may provide that the whole property and plant of the grantee devoted to the purpose of the franchise, shall revert to the city at a valuation to be determined by the railroad commission of the state of California to be paid to the grantee at the expiration of the term of the franchise.

(J) The council shall, except where the railroad commission of the state of California is vested with the right, have power by ordinance to fix rates, to prescribe the character of the service to be rendered, to require the grantee of any franchise to keep its accounts in a prescribed form, to enter upon the premises of such grantee and to examine into and audit its books and accounts, and to require the grantee to make reports from time to time, and to establish penalties for failure to obey such ordinances.

ARTICLE XVIII.

PUBLIC SCHOOLS.

The School District.

Sec. 1. The school district of the City of Grass Valley shall consist of the territory of the city and also of additional territory that has already been annexed or may be annexed under the state law. School district.

Sec. 2. BOARD OF EDUCATION.

The Board of Education of the City of Grass Valley, shall consist of five members, to be elected at large from the electors of the City of Grass Valley School District. Board of education.

Sec. 3. The City Board of Education shall, after the first election under this Charter, be elected at such times as is now, or may be hereafter fixed by the general laws of this State for the election of a Board of School Trustees and shall take, hold, and exercise their offices in conformity with the general school laws relating to Boards of School Trustees and School Districts, subject, however, to this Charter. A Board of Education consisting of five members shall be elected at the first election after the adoption of this Charter. Election.

Sec. 4. Notice of the first election under this Charter of members of the Board of Education shall be given by the Mayor of the City of Grass Valley, and thereafter by the President of the Board of Education. The election officers of the first election shall be appointed by the Board of Trustees of the said city of Grass Valley, and of all subsequent elections by said Board of Education. Such elections in other respects shall conform to the general school laws of this State; provided, that the members of the Board of Education at their first meeting after the first election under this Charter, shall

determine by lot which two of them shall go out of office at the expiration of the current school year, and which three shall hold office for the term of four years, as so determined two members of the Board first elected, shall hold office for two years, and three members for a term of four years. After the expiration of such first term, the term of office for each member of the Board shall be four years.

Meetings.

Sec. 5. The Board of Education shall, within fifteen days after the election, be convened, on written notice given respectively by the Mayor of the City and the President of the Board of Education, and shall elect some person as Clerk, to serve at the pleasure of said Board, and at the same time fix the compensation of such Clerk, which shall not exceed the sum of twenty (20) dollars per month. They shall, by by-laws or ordinance, fix the time and place for holding their stated meetings and may be convened by their presiding officer at any time. They shall make such rules for their own government as they may deem proper. The Clerk of the Board of Education must not be selected from one of their number.

Quorum.

Sec. 6. At all meetings of the Board of Education a majority shall constitute a quorum. Any smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the Board may previously have ordained.

Contested elections.

Sec. 7. The Board of Education shall be judges of the election and qualification of their own members, and the Board of Education shall likewise have jurisdiction to hear and determine contested elections of members of the Board of Education; provided, that no decision of said Board shall prejudice the right of any elector of the City to contest the right of any person herein provided for, in the Superior Court, as provided in title two, part three, of the code of Civil Procedure of California.

SUPERINTENDENT OF SCHOOLS.

Superintendent of schools.

Sec. 8. The Board of Education shall elect a superintendent of schools and such deputies and assistants as it may deem necessary, and fix their compensation, which salary shall not be changed during their term of office.

Sec. 9. The superintendent shall hold office for four years from the date of his appointment unless sooner removed for cause and after a full hearing by the affirmative votes of three of the board.

APPOINTMENT AND REMOVAL OF TEACHERS.

Teachers.

Sec. 10. The Board of Education shall elect all teachers, and fix their compensation and may remove any teacher after hearing by a majority vote of the board.

Sec. 11. No teacher's salary shall be reduced except when there is a corresponding reduction made in all salaries in the same grade.

Sec. 12. The members of the Board of Education shall serve without pay.

ARTICLE XIX.

RECALL.

Sec. 1. Any elective officer provided for in this charter, ^{Recall.} may be removed from office by the electors; the procedure to effect such removal shall be as follows:

A petition demanding that the question of removing such officer or officers, if the removal of more than one officer is desired, be submitted to the electors shall be filed with the City Clerk.

Such petition shall be filed by qualified electors equal in number to at least twenty-five (25) per centum of the total number of persons voting at the general municipal election next preceding the filing of such petition.

Sec. 2. Petition papers shall be procured from the City Clerk who shall keep a sufficient number of such blank petitions on file for distribution as herein provided. Prior to the issuance of such petition papers, an affidavit shall be made by one or more qualified electors, and filed with the City Clerk, stating the name and office of the officer or officers sought to be removed. The City Clerk, upon issuing any such petition papers to an elector, shall enter in a record to be kept in his office, the name of the elector to whom issued, the date of such issuance, and the number of papers issued, and shall certify on such papers the name of the elector to who issued, and the date issued. No petition papers shall be accepted as part of the petition unless it bears such certificate of the City Clerk, and unless it is filed as provided herein.

Sec. 3. Each signer of a recall petition, shall sign his name in ink or indelible pencil, and shall place thereon after his name, his place of residence by street and number. To each such petition papers shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition, and that each signature appended to the paper was made in his presence, and is the genuine signature of the person whose name it purports to be, and that such circulator has not received and will not receive, either directly or indirectly, any compensation for circulating said petition, or for procuring signatures thereto.

Sec. 4. All papers comprising a recall petition shall be assembled and filed with the City Clerk as one instrument within thirty (30) days after the filing with the City Clerk of the Affidavit stating the name and office of the officer or officers sought to be removed.

Sec. 5. The City Clerk shall examine the great register of the County and therefrom ascertain whether or not said petition is signed by the requisite number of qualified voters, and upon his request the council shall allow him extra help for that purpose, and the Clerk shall attach to the said petition

Recall.

within ten (10) days after its presentation to him, his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is found to be insufficient, it may be amended within ten (10) days from the date of said certificate. The Clerk shall within fifteen days after such amendment, make like examination of the amendment to the petition and attach his certificate thereto as in the case of the original petition, and if his certificate shall show the said amended petition to be insufficient, it shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect. If the petition, either as originally filed or after amendment, shall be found to be sufficient, the City Clerk shall submit the same to the Council at the next regular meeting of said Council after the date of his certificate of such sufficiency, and he shall forthwith serve upon such officer or officers sought to be recalled, a notice of the submission of such petition, which said notice may be served upon said officer personally or by leaving a written notice of such submission at the last known address in the city of said officer or officers.

Sec. 6. If said Officer or Officers does not resign within five days after the submission of said petition to said Council, said Council shall order and fix a date for holding a recall election, which said election shall be held not less than twenty days or more than forty days from the submission of said petition to said Council. The election shall be held at the same time as any general or special municipal election scheduled to be held within such period: but if no such general or special election is to be held within such period, the council shall call a special election, to be held within the time aforesaid.

Sec. 7. The ballots of such recall elections shall conform to the following requirements:

With respect to each person whose removal is sought, the question shall be submitted, "Shall (name of person) be removed from the office of (name of office) by recall?"

Immediately following each such question there shall be printed on the ballots the two propositions, in the order set forth:

For the recall of (name of person).

Against the recall of (name of person).

Immediately to the right of each proposition shall be placed a square in which the electors, by making a cross mark (X) may vote for either of such propositions.

Sec. 8. Should a majority of the votes cast at a recall election be against the recall of the officer named on the ballot, such officer shall continue in office for the remainder of his term, subject to recall, except as hereinafter provided. If a majority of the votes cast on the question of the recall of a particular officer at a recall election before the recall of such officer, he shall, regardless of any technical defects in the recall election, be deemed removed from office.

Sec. 9. Any recall petition shall not be filed against any elective officer within six months after he takes his office, and in the event of the failure to recall any elective officer at any such election, no other re-election may be held for the recall of such officer until six months after such previous recall election.

ARTICLE XX.

INITIATIVE AND REFERENDUM.

Sec. 1. In addition to the powers vested by this Charter in the Council, the people reserve to themselves the power to ^{Initiative} adopt or reject ordinances at the polls independently of the ^{and} Council. _{referendum}

Sec. 2. To initiate proceedings for the exercise of said reserved powers, a petition signed by duly qualified electors of the city equal in number to eight per cent of the number of persons voting at the general municipal election next preceding the filing of the petition, shall be filed with the City Clerk. Said petition shall be addressed to the Council, shall contain the proposed ordinance set out in full and shall request that the proposed ordinance be submitted forthwith to vote of the people at a special election, or at the next general election at the option of those proposing the ordinance.

Sec. 3. To facilitate the procuring of signers, the petition may consist of not exceeding ten separate sections. Any qualified elector may circulate a section for signatures, and each signer shall add to his signatures his place of residence, giving the street and number. Each section shall have attached thereto the affidavit of the person who circulated the same for signatures that all the signatures were made in his presence, and that such signature is the genuine signature of the person whose name it purports to be. The several sections shall each contain a copy of the proposed ordinance, and, at the time of being signed, shall in all respects be counterparts of each other. When filed they shall be attached together and constitute the petition.

Sec. 4. Within ten days after such petition is filed, the City Clerk shall satisfy himself whether or not such petition is signed by the requisite number of qualified electors of the city, residing at the places set opposite their respective names. At the conclusion of such examination, the City Clerk shall attach to the petition a certificate showing the result of his examination. The Council shall allow the City Clerk such extra help in making the examination as may be necessary.

Sec. 5. If by the certificate it appears that the petition is not signed by the requisite number of duly qualified signers or is defective in any other particular, it may be amended within ten days from the date of the certificate, by the filing of not exceeding five additional sections duly verified and counterparts except as to the names of the signers, of the sections on file, containing the requisite number of signatures. The City

Initiative
and
referendum.

Clerk shall, within five days after such additional sections are filed, make examinations of the signatures thereon and attach his certificate to the petitions showing whether or not the petition is sufficient. If, after filing the additional sections, the certificate of the City Clerk shows the petition still insufficient, no further proceedings shall be had on the petition of file.

Sec. 6. If the certificate of the City Clerk shows the petition sufficient and a special election is demanded in the petition, the Council shall within twenty days from the date of the City Clerk's certificate showing the sufficiency of the petition, either pass such ordinance without alteration, or, except as otherwise provided in this Charter, call a special election to be held within thirty days from the date of calling said election, and submit thereat said proposed ordinance without alteration to vote of the people. The Council may, at the same time, submit an alternative ordinance.

Sec. 7. If the petition requests that the proposed ordinance be submitted to a vote of the people at the next general municipal election, and be signed by qualified electors equal in number to fifteen per centum of the number of persons voting at the general municipal election next preceding the filing of the petition and said ordinance be not passed by the Council, as demanded in the petition, then such ordinance without alteration shall be submitted by the Council to a vote of the people at the next general municipal election, provided such election shall occur at any time after twenty (20) days from the date of the City Clerk's certificate showing the sufficiency of the petition. The Council may, at the same time, submit an alternative ordinance.

Sec. 8. Not less than twenty (20) days prior to the election at which the proposed ordinance is submitted to vote of the people, the proposers of the ordinance and the Council may respectively present to the City Clerk printed arguments favoring or opposing the passage of the proposed ordinance. There shall be only one printed argument on behalf of the proponents of the ordinance, and one on behalf of the Council, and said arguments shall be contained in not exceeding two hundred words on each printed paper. The form and size of the paper shall be suitable for mailing, and shall be prescribed by the City Clerk. The number of copies of such printed arguments for each party shall be five per centum in excess of the total number of qualified electors in the city. One copy of each of said arguments shall be mailed by the City Clerk, also a printed copy of the proposed ordinance and petition, eliminating, however, the names of the signers of said petition and the certificate of the City Clerk. The cost of printing the necessary copies of the petition and proposed ordinance shall be borne by the city.

Sec. 9. The ballot used when voting on the proposed ordinance shall set forth the title of the ordinance in full, state its general nature and shall contain the words, "For the ordinance." Opposite each proposition to be voted on, and to the

right thereof, the words "yes" and "no" shall be printed on separate lines with voting squares in which the voter may make his cross. If a majority of those voting on such ordinance shall vote in favor thereof, such ordinance shall be deemed adopted and shall take effect five days after the declaration of the official canvass of the returns of such election. Initiative and referendum.

Sec. 10. Any number of proposed ordinances may be submitted to vote of the people at the same election. The enacting clause of any ordinance adopted by vote of the people shall be, "The people of the city of Grass Valley do ordain as follows."

Sec. 11. An ordinance proposed by petition and passed by vote of the people can be repealed or amended only by vote of the people. The Council, at any general municipal election, may, without petition, submit to vote of the people a proposition to amend or repeal any ordinance adopted by vote of the people, or for the enactment of a new ordinance, and in case a majority of the votes cast thereon at such general municipal election be in favor of the proposition submitted, the ordinance shall thereupon be amended or repealed accordingly, and the new ordinance adopted.

Sec. 12. If two or more ordinances adopted at the same election shall contain conflicting provisions, the one adopted by the highest number of votes shall be construed as paramount to the other so far as the particular conflict is concerned.

Sec. 13. There shall not be held more than one special election in a period of six months for the purpose of submitting any ordinance to vote of the people.

Sec. 14. No ordinance passed by the Council shall go into effect before thirty days from the time of its final passage, except emergency ordinances and such other ordinances as are required by the general law of the state, or by the provisions of this Charter respecting street improvement or street opening, or respecting matters pertaining to the purchase or sale of lands, and except ordinances for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, provided, that no grant of any franchise shall be construed to be an urgency measure, and all franchises shall be subject to the referendum, as herein provided. If during said thirty days a petition signed by qualified electors of the city, equal in number to at least fifteen per centum of the number of persons voting at the general municipal election next preceding the filing of the petition protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance, and if the same be not repealed, the Council shall submit the ordinance to the vote of the electors of the City, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority

of the qualified electors voting on the same shall vote in favor thereof. The form of the petition, and the mode of verification and certification and filings shall be substantially, with such modifications as the nature of the case requires, as provided for recall election.

ARTICLE XXI.

MISCELLANEOUS PROVISIONS.

Miscellaneous provisions.

Sec. 1. The Council may provide for meeting the liabilities imposed upon this City by the Workmen's Compensation, Insurance and Safety Act (Chapter 176 of the laws of 1913) or any amendment thereof, by appropriation annually of a sum sufficient to pay the premium upon a policy of insurance issued by the State of California, under the provisions of the above section.

Sec. 2. All lawful ordinances of the City of Grass Valley, including resolutions and regulations of the several boards and commissions in force and effect at the time this Charter takes effect, not inconsistent therewith, shall remain in force until duly amended or repealed.

Sec. 3. It shall be the duty of the president of the Council, the City Auditor, and the City Attorney to count the money in the City treasury at least once each month, and to see that the amount on hand, tallies with the amount that shall be in the fund as shown by the City Auditor and City Treasurer's books.

Sec. 4. Unless otherwise provided in this Charter, the right and title of the City in and to its streets and the land thereunder, its parks and other public property, and all other public places, and the bed of Wolf Creek, and real property, are hereby continued in the city, and are declared to be inalienable except when otherwise provided by a majority vote of the people. No franchise or right to use the streets, water, or any part of or lands under said streets, shall be granted without reserving to the City the power and right of eminent domain.

Sec. 5. Except where otherwise provided for by law or this Charter, all public offices shall be kept open for business every day except legal holidays, from 9 o'clock in the forenoon until 5 o'clock in the afternoon, and all books and records of every office and department shall be open to the inspection of any citizen at any time during business hours, subject to proper rules and regulations for the efficient conduct of the business of each department or office, and all books and public records shall always be kept at the city hall.

TAKING EFFECT OF CHARTER.

Charter in effect when.

Sec. 6. If this Charter is approved by the State Legislature, then for the purpose of nominating and electing candidates for Councilmen, City Treasurer, Ex-Officio Auditor, and the Board of Education, and for the exercise of the initiative, referendum, and recall, this Charter shall take

effect from the time of its approval by the said Legislature, for all other purposes, it shall take effect on the first day of July, 1921. Charter in effect when.

Sec. 7. If said Charter shall be approved by any subsequent session of the Legislature, then, and in that event, this Charter shall take effect immediately thereafter, and it shall be the duty of the officers in office at such time to at once call, conduct, hold and declare the results of election, as provided in this Charter, for the election of three Councilmen, City Treasurer, and ex-officio Auditor, and Board of Education, who shall take office as soon as the result of such election is declared.

WHEREAS, the City of Grass Valley is a City containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, did on the 17th day of May, 1920, at a special election held in said City, and under and in accordance with the provisions of sec. 8, Art. XI, of the Constitution of the State of California, duly choose and elect the undersigned eligible candidates, a board of fifteen freeholders, who thereafter qualified in accordance with law.

BE IT KNOWN:

That within one hundred and twenty days after the result of said election was declared, we, the undersigned duly chosen, qualified and acting board of fifteen freeholders under the said provisions of said constitution, have prepared and do hereby propose the foregoing articles as and for the Charter of the City of Grass Valley.

IN WITNESS WHEREOF, we have hereunto set our hands, at the City of Grass Valley, County of Nevada, California, this 13th day of September, 1920.

A. W. CRASE, President.
 M. J. BROCK
 A. H. MOOSER
 EARNEST GEORGE
 CARL P. JONES
 PAUL W. MICHELL
 J. E. TAYLOR
 B. A. PENHALL
 WM. SAMPSON
 T. M. HARRIS
 J. C. WILLIAMS
 H. H. SMITH
 C. J. MILLER
 WM. H. ROWE
 THOMAS INGRAM

Filed this 16th day of Sept., A. D. 1920.

We hereby request the City Council to order publication of this Charter as it is provided by law, on the 28th day of September, 1920, and we fix the 30th day of November, 1920, as the date for holding a special municipal election to submit this Charter to the vote of the people.

(Endorsed—filed this 16th day of September, 1920, C. F. Lobecker, City Clerk.

A. W. CRASE President
 M. J. BROCK Secretary
 A. H. MOOSER
 EARNEST GEORGE
 CARL P. JONES
 PAUL W. MITCHELL
 J. E. TAYLOR
 B. A. PENITALLI
 WM. SAMPSON
 T. M. HARRIS
 J. C. WILLIAMS
 H. H. SMITH
 C. J. MILLER
 WM. H. ROWE
 THOMAS INGRAM.

W. B. WHITE, Attorney for Freeholders.

Second endorsed filed this 16th day of September, 1920.

C. F. LOBECKER, City Clerk.

State of California }
 City of Grass Valley } ss.

Certificate.

I, C. F. Lobecker, City Clerk of and for the City of Grass Valley hereby certify that the above foregoing to be a full, true, and correct copy of the proposed Charter for the City of Grass Valley, presented and prepared by the Board of Freeholders and filed in the office of the City Clerk of said City on the 16th day of September, 1920.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said city of Grass Valley.

This 9th day of December, 1920.

(Seal)

C. F. LOBECKER,
 City Clerk of Grass Valley.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of said City to be affixed this 9th day of December, 1920.

W. J. MICHELL,
 Mayor of the said City of Grass Valley.

Now

WHEREAS. The said charter has been submitted to the legislature of the State of California for approval or rejection as a whole, without alteration or amendment, in accordance with

section eight of article eleven of the constitution of the State of California; now therefore, be it

Resolved by the senate of the State of California, the assembly concurring, a majority of the members elected to each house voting therefor and concurring therein, That said charter as proposed to, and adopted and ratified by said city of Grass Valley, and as hereinabove fully set forth, be and the same is hereby approved as and for the charter of the said city of Grass Valley.

CHAPTER 10.

Senate Concurrent Resolution No. 12—Approving the charter for the city of Sacramento, State of California, ratified by the qualified electors of the said city at a special election held on the thirtieth day of November, 1920.

[Filed with Secretary of State January 24, 1921.]

WHEREAS, The city of Sacramento, in the county of Sacramento, State of California, now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census, taken under the authority of the congress of the United States; and

Approval by legislature.

WHEREAS, Said city of Sacramento at all times mentioned herein was and now is, organized and existing under a freeholders charter, adopted under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city on the seventh day of November, 1911, and approved by the legislature of the State of California on the thirteenth day of December, 1911, and as amended by amendments duly adopted and ratified by a majority of the qualified electors of said city on the fifth day of November, 1918, and approved by the legislature of the State of California on the twenty-fourth day of January, 1919; and

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of a new charter for said city of Sacramento as set out in the certificate of the mayor and city clerk of the city of Sacramento.

Sacramento city charter.

City of Sacramento, }
County of Sacramento, } ss.
State of California. }

We, the undersigned, Chas. A. Bliss, president of the city commission of the city of Sacramento, State of California and M. J. Desmond, city clerk of said city, do hereby certify and declare as follows:

That the city of Sacramento in the county of Sacramento, State of California, now is, and was at all times herein referred

Sacramento
city
charter.

to, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States.

That said city of Sacramento, at all times herein mentioned, was and now is organized and existing under a freeholders' charter adopted under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city on the seventh day of November, 1911, and approved by the legislature of the State of California on the thirteenth day of December, 1911, and as amended by amendments duly adopted and ratified by a majority of the qualified electors of said city on the fifth day of November, 1918, and approved by the legislature of the State of California on the twenty-fourth day of January, 1919.

That pursuant to the provisions of section eight of article eleven of the constitution of the State of California, the city commission of the city of Sacramento, said city commission being then and there the legislative body of said city, did by a four-fifths vote of all its members, on the ninth day of April, 1920, pass a resolution calling a special election to be held on the fifteenth day of May, 1920, for choosing a board of fifteen freeholders to frame, prepare, and propose a new charter for said city of Sacramento; that at said election held on said day a board of freeholders, all of whom were electors of said city of Sacramento and had been such electors for more than five years next preceding their election and eligible as candidates under said election, were elected by the qualified electors of said city of Sacramento as such board of freeholders, which said board, within one hundred twenty (120) days after the result of said election was declared, duly prepared and proposed a new charter for the city of Sacramento, and did on the thirteenth day of September, 1920, file said new charter so prepared in the office of the city clerk of the city of Sacramento, and did, prior to the filing of said charter, fix Tuesday, the thirtieth day of November, 1920, as the day and date on which said charter should be submitted to the electors of said city, which said Tuesday, the thirtieth day of November, 1920, was designated upon said charter as the day and date upon which an election should be held in said city of Sacramento, at which election said proposed charter should be submitted to the electors of said city for ratification; that said proposed charter and said designation for the date for the submission thereof to the qualified electors of the city of Sacramento for ratification, were duly signed by a majority of the members of said board of freeholders.

That thereupon said city commission of the city of Sacramento duly caused said charter to be submitted to the electors of said city for ratification at a special election held on Tuesday, the thirtieth day of November, 1920, and did, within fifteen days after the filing of said charter in the office of said

city clerk, cause the same to be published once on the twenty-second day of September, 1920, in the *Sacramento Union*, a newspaper of general circulation printed and published in said city, said newspaper being on said day the official paper of said city, and caused copies of said charter to be printed in convenient pamphlet form, and until date fixed for the election upon said charter, advertised in the said *Sacramento Union*, a notice that said copies of said charter could be had at the office of said city clerk upon application therefor; that said election was duly and regularly held on said Tuesday, November 30, 1920, and at such election, a majority of the qualified electors voting thereon voted in favor of such proposed charter, and that the city commission of said city on the second day of December, 1920, duly canvassed the results of said election and found, determined and declared that a majority of the electors voting thereon at said election had voted for and ratified said charter.

That said charter, after the same was prepared, proposed, and ratified as herein set forth, is as follows, to wit:

BOUNDARIES

Section 1. The boundaries of the City of Sacramento shall Boundaries. be as follows:

Beginning at the junction of the center of the channel of the American River with the center of the channel of the Sacramento River as it existed on the twenty-sixth day of May, A. D. 1851, and running thence down the center of the channel of the Sacramento River to a point intersected by the center line of the Sutterville Road, if extended west to the center of the channel of the Sacramento River; thence easterly to and along said center line of said Sutterville Road and said center line produced to the center of the Freeport Boulevard; thence northerly along the center line of the Freeport Boulevard to its intersection with the center line of the Sutterville Road, if extended westerly to the center of the Freeport Boulevard; thence to and along the center line of the Sutterville Road to its intersection with the section line between Sections thirteen (13) and twenty-four (24), Township eight (8) North, Range four (4) East; thence east on said Section line to the northeast corner of Section twenty-one (21), Township eight (8) North, Range five (5) East, Mt. Diablo Base and Meridian, thence north along the Section line between Sections fifteen (15) and sixteen (16), and between Sections nine (9) and ten (10), in said township and range, to the center line of Sixty-fifth (65th) Street; thence northeasterly along the center line of Sixty-fifth (65th) Street and along the center line of said Sixty-fifth (65th) Street, if extended, to the northeasterly line of the base of the City levee; thence northerly and westerly along the northerly line of the base of said levee to the east line of Thirty-first Street of the City of Sacramento; thence northerly thereon to the north line of

“A” Street; thence westerly along the north line of “A” Street to the east line of Twenty-second Street; thence northerly along the east line of Twenty-second Street to the north line of “B” Street North; thence westerly along the north line of “B” Street North to the center of the bed or channel of the American River as it existed on the twenty-sixth day of May, A. D. 1861; thence down the center of the channel of said American River as it existed on the twenty-sixth day of May, 1861, to the place of beginning.

ARTICLE II.

POWERS OF THE CITY

Name and General Grant of Powers

Name and
general
grant of
powers.

Sec. 2. The City of Sacramento, a municipal corporation, shall after the adoption of this charter, continue its existence as such municipal corporation, and under the corporate name, CITY OF SACRAMENTO shall have, possess and exercise all powers and rights vested in said City of Sacramento under this charter and the laws of the state. The City of Sacramento shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the state; provided also, that where the general laws of the state provide a procedure for the carrying out and enforcement of any rights or powers belonging to the City, said procedure shall control and be followed unless a different procedure shall have been provided in this charter or by ordinance.

Successor to Former Government

Successor
to former
government.

Sec. 3. The City of Sacramento, as successor in interest of the municipal corporation of the same name, created and existing under previous charters, shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed, or claimed, and shall be subject to all the debts, obligations, liabilities, dues and duties of said existing corporation.

Enumeration of Powers

Enumera-
tion of
powers.

Sec. 4. Without in any way or to any extent limiting or curtailing the powers hereinbefore conferred or mentioned, and for the purpose of removing all doubt concerning the exercise of powers hereinafter expressly mentioned, the City of Sacramento shall have the power to have and use a cor-

porate seal; to sue or be sued in all courts in all actions and proceedings; to levy and collect taxes, to borrow money, incur municipal indebtedness, and issue bonds or other evidence of such indebtedness; to acquire by purchase, bequest, devise, gift, condemnation, or other manner sanctioned by law, within and without the limits of said City, property of every kind and nature for all purposes; to acquire by said means, or to establish, maintain, equip, own, and operate telephone and telegraph systems, street railways, or other means of transportation, wharfs and warehouses, free markets, waterworks, filtration plants, gas works, electric light, heat and power works, underground or overhead conduit systems or any other works necessary to a public utility; to furnish the city or its inhabitants or persons without the city any public utility service or commodity whatsoever and to lease, sell, convey, and dispose of any and all property herein mentioned for the common benefit; to acquire, construct, operate and maintain any and all buildings, establishments, institutions, and places whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education, or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment, or benefit.

Bequests and Donations

Sec. 5. To receive devises, bequests, gifts and donations of all kinds of property, in fee simple or in trust, for charitable or other purposes and to do all acts necessary to carry out the purposes of such devises, bequests, gifts and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the devise, bequest, gift, or donation or absolutely in case such devise, bequest or trust be unconditional.

Bequests
and
donations.

Rivers and Levees

Sec. 6. The City of Sacramento is hereby authorized to adopt, establish and maintain a system of levees, canals and drainage, and to construct and maintain the works necessary thereto; and to repair, maintain, construct and control all levees, canals and other works necessary to the protection of the city. The City Council is hereby declared to be the legal representative and successor to the Board of Supervisors of the County of Sacramento, and the Board of Levee Commissioners of the City of Sacramento, in all matters pertaining to the Sacramento Drainage Canal, to any canals or drains for the drainage of the city, to the levees of the city, and to all levees, canals, or other works which the city has adopted or constructed or shall hereafter adopt or construct, as part of its levees or drainage; and the City Council shall, in addition to other powers granted to it, also have power to dredge, or, in any other manner deemed expedient, to keep clear the channels of the Sacramento and American Rivers adjacent to the city, and to

Rivers
and
levees.

build any dam, boom, weir, jetty or other works, either in the County of Yolo, the County of Solano, or the County of Sacramento, or in part of any of said counties, as in the opinion of the said City Council may be necessary, to keep the channel of the Sacramento River, in front of the city, free and open for navigation by first class steamboats; and the City Council may cut and dig any canal, ditch, slough, or outlet in any of said counties, and may use any other means and appliances whatever that may be necessary to keep the Sacramento River navigable in front of the city, to provide proper drainage for the city and to guard any and all lands within the city from inundation. The purposes for which any and all works in this section mentioned are to be constructed are hereby declared to be public uses, and the City of Sacramento is hereby authorized to proceed at any time, under the provisions of the statutes for that purpose, to condemn for such use any and all property necessary to the construction and maintenance of such works; provided, however, no system or plan for any of the work in this section authorized to be performed which will cost over twenty thousand dollars (\$20,000) shall be adopted by the City Council, unless such plans shall first be submitted to and ratified by a vote of the electors of said city; and provided, further, that if any plan is adopted involving the expenditure of more than twenty thousand dollars (\$20,000), the money required to carry out such plan shall be raised either by the issuance of bonds or by direct taxation, as the electors, at such election, may determine.

Contracts for Drainage Work

Contracts
for
drainage
work.

Sec. 7. To make contracts with the Federal or the State Government or with any department of either thereof, and with any swamp land, levee, reclamation or drainage district, now or hereafter existing, or with any person or body, politic or corporate, providing for the construction of any work of reclamation or drainage, which, in the judgment of the City Council, will be of advantage to the City of Sacramento in the matter of impounding, storing, carrying away and disposing of the flood waters of the Sacramento and American Rivers and their tributaries; provided, however, that should the portion of the cost thereof to be defrayed by the City of Sacramento, under the provisions of such proposed contract, exceed the sum of twenty thousand dollars (\$20,000), the general plan of such work shall first be submitted to and ratified by a vote of the electors of the City.

Water Supply and Meters

Water
supply
and
meters.

Sec. 8. To join with one or more cities incorporated under the Constitution and laws of the State, in order to acquire or develop jointly a source or sources of water supply, light, heat or power for municipal and domestic purposes, to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor.

With reference to such matters or any of them, the city shall have full power to act independently. The supply of water for this city for municipal and domestic purposes shall always be owned and controlled as a municipal institution and be administered by the city government. No meters shall ever be attached to residence water service pipes; provided, however, that the City Council in its discretion may regulate by meter the water supply of business and industrial enterprises. The water supply of the city shall not be sold or leased to any person, firm or corporation, nor shall any franchise for such purpose ever be granted.

ARTICLE III.

THE POWERS OF THE CITY COUNCIL.

The City Council shall have power:

Powers.

Safety and Health Regulations

Sec. 9. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings and structures of all kinds; to provide for their summary abatement or destruction; to regulate the materials used in and the methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials and methods used in wiring buildings or other structures for the use of electricity, and the materials and methods used for piping buildings for water, gas or any method of heating or lighting for which pipes are used; to regulate and prescribe all methods and materials used for the plumbing of all buildings, to prohibit the construction of buildings which do not conform to such regulations, and to provide for the examination and licensing of all persons, firms or corporations who shall engage in or work at the business of plumbing either as a master or as a journeyman plumber; to prescribe fire limits and determine the character and height of buildings and the nature of the materials used in the construction, alteration, or repair of such buildings; to regulate the use of steam engines, gas engines, steam boilers, and electric motors, to prohibit their use in localities where, in the judgment of the City Council, the public safety would be endangered, and to provide for the examination and licensing of all persons engaged in operating the same; to regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools and vaults, to compel the connecting, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done; to fix, alter and change the route of any railroad in the city, and to regulate the speed of railroad trains, engines, and cars passing through the city, and the speed of street or interurban railway cars, or automobiles, trucks, cars and

Safety and health regulations.

Safety
and
health
regula-
tions.

vehicles of every kind when moving or propelled along any of the public streets or highways of the city, and of steam or motor boats while running along the water front of the city; to require railroad companies to station flagmen or to place gates or viaducts at street crossings, as the City Council may deem proper; to require street cars or trains to be provided with fenders or other appliances for the better protection of the public; to prohibit making up of railroad trains on any of the streets, street crossings or street intersections, and to prohibit cars standing in any street, alley or other public place within the city: to provide for the regulation of berth-landing, stationing and removing of steamboats, motor boats, sailing vessels, barges, rafts and all other water craft; to regulate or prohibit the landings and storage of explosives and combustibles; to regulate the maintaining of chemical works, slaughter houses, wash houses, laundries, stables, tanneries, glue factories, garages, planing mills, foundries, boiler shops, undertaking establishments and business of every description that may endanger the public health, safety or comfort, to restrict the conduct thereof to such fixed limits as may seem proper, or to exclude such work and business from the city; to make regulations for the suppression of disagreeable or offensive noises or odors; to provide for the punishment of all persons violating such regulations and of all persons who knowingly permit the same to be violated in any building or upon the premises owned or controlled by them; to regulate, license or prohibit the construction and use of billboards and signs on public or private property; to make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to provide for the inspection of all things used for food or drink or for human consumption, stored, manufactured, sold, given away or exchanged in the city, and to provide for taking and summarily destroying any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city unsound, unwholesome, spoiled or adulterated products; to provide for the inspection and regulation of all dairies and slaughter houses within or without the city that offer for sale any of their products in the city; to regulate hotels, lodging houses, tenement and apartment houses, to prevent the overcrowding of the same, and to require them to be kept in proper sanitary condition; to regulate the location, number, size and construction of the entrance to and exits from all theaters, lecture rooms, halls, schools, churches and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

Nuisances

Nuisances.

Sec. 10. To compel the owner or occupant of any building or grounds to remove dirt, rubbish and weeds from such building

or grounds and from the sidewalk adjacent thereto and, in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and make such expense a lien upon such building or grounds; to provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance and to likewise make such expense a lien upon the property whereon such nuisance exists.

Order in Public Places

Sec. 11. To regulate street speaking or street gatherings; to regulate or prohibit the exhibition or carrying of placards, banners or advertisements on cars or other vehicles and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate or prohibit the flying of banners, flags or signs across the street or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets and sidewalks, and to require their removal; to restrain and punish vagrants, mendicants, lewd persons, and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city; to license, regulate, restrain and prohibit all descriptions of gambling and all fraudulent or gambling devices and practices, all playing of cards, dice and other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines, or other contrivances upon or into which money or anything is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, games or other exhibitions, and to authorize the destructions of all instruments used for the purpose of gambling.

Order in public places.

Regulation of Business

Sec. 12. To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of license upon the same and to provide for the collection of such license by suit or otherwise; and, when not unlawful, to license, tax, regulate, prohibit, or suppress all tippling houses, dramshops, saloons, bars, bar rooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee or soft drink stands, booths and sheds.

Regulation of business.

Public Utilities

Sec. 13. To fix and determine by ordinance in the month of September of each year, to take effect the first day of January thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of heat, light, power or telephone service or other public utility supplied to the city or the inhabitants thereof, and to prescribe the quality of the service; to regulate street and suburban railroads, their tracks and cars, and the issuance and exchange of transfers, and to fix the rate of fares and charges thereon, and to compel the owners of two or more railroads using the same street to use

Public utilities.

the same tracks and equitably divide between them the cost of construction and the cost of maintenance thereof; to require every railroad company owning or occupying tracks upon any public street or highway to keep clean and in good repair such street or highway between its tracks and for a distance of two feet upon the outer side of the tracks owned or occupied by the company; to permit for compensation the laying down of spur or side tracks and the running of cars thereon for the purpose of connecting warehouses, factories or other business industries and enterprises with any line of railroad that may be built along the waterfront or with any other lines of railroads which now do or may hereafter enter the city, subject to regulations and conditions as may be prescribed by the City Council, such tracks to be used for the transportation of freight only and not to be used as a main line or a part thereof, provided that all such tracks must be laid level with the street and must be operated under such restriction as not to interfere with the use of the streets by the public, and that all permits granted under the provisions hereof shall be revocable at the pleasure of the City Council, and to provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Control of the Streets

Control
of the
streets.

Sec. 14. To establish, lay out, open, extend, widen, narrow, straighten, close, or vacate streets, alleys, lanes, boulevards, crossings, courts, or other highways and public places and rights of way or to construct therein sidewalks, crosswalks, culverts, gutters, curbs, steps, parkways, parkings, sewers, and other structures and appurtenances; and to construct or reconstruct or improve in any manner whatsoever or reimprove or repair in any manner whatsoever, and to establish or change the grade of streets, lanes, alleys, boulevards, sidewalks, crossings, courts, bridges, viaducts, subways, tunnels or other avenues of travel; and to construct, reconstruct, improve or repair street or other railways in the public ways of the City for the purpose of leasing or renting the same to persons or private corporations to be employed as a means of transportation for the benefit of the public, or for operation by the municipality for said purpose, and to cause the costs and expenses of all improvements in this section enumerated, including all the incidental expenses and damages to private property occasioned thereby, to be paid from the general fund of the City or from such other fund as the City Council may designate or from moneys raised by levying and collecting assessments upon private property according to frontage or upon property in districts according to the benefits derived from the work or improvement; and to adopt the necessary procedure to carry out the provisions hereof; provided that, whenever the cost and expense of any of the foregoing improvements are to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and

all proceedings shall be in conformity therewith. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, and to regulate or prevent heavy teaming thereon, and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway, or street railway of any kind shall be granted by the City Council upon any such boulevard, and no railroad track of any kind shall ever be laid thereon except to cross the same, unless a franchise therefor shall have been duly granted by vote of the people; to cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city; to regulate the size and location of all pipes and conduits laid or constructed under the streets and public places, and to require the filing of charts and maps of such pipes, tunnels and conduits.

Financial Provisions

Sec. 15. To levy and collect taxes and to provide for the expenditure of the money so raised according to law; to make and execute, on behalf of the city, all contracts involving the expenditure of five hundred dollars (\$500.00) or more, except as may be otherwise provided in this charter; to fix the fees and charges for all official services not otherwise provided for in this charter; provided that all moneys collected for such services shall be paid into the City Treasury; to provide for the leasing of any lands now or hereafter owned by the city for a term not exceeding five years, but all leases shall be granted at public auction to the highest responsible bidder, after publication of notice thereof for at least five days stating explicitly the terms and conditions of such proposed lease, the city council having the right to reject any and all such bids; to provide for the purchase of property levied upon or sold under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of the judgment, interest, and costs; to order the repayment by the Treasurer of any taxes, percentages and costs or other moneys erroneously or illegally collected by the city; to provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Financial provisions.

Offices

Sec. 16. Except as otherwise provided by this charter, to create new, to continue or to abolish existing, or to establish temporary departments, offices and employments; and to provide for the performances by county officers of all or any municipal functions which, under the constitution, may now or hereafter be performed by such officers.

offices.

Supplementary Powers

Supple-
mentary
powers.

Sec. 17. To prescribe fines, forfeitures and penalties for the violation of any provisions of this charter or of any ordinances and to do and perform any and all other acts and things which may be necessary and proper to carry out and exercise the powers vested in the city, except as herein otherwise provided.

ARTICLE IV.

THE CITY COUNCIL

Creation of the Council

City
council.

Sec. 18. There is hereby created a City Council which shall have full power and authority, except as herein otherwise provided, to exercise all the powers conferred upon the city.

Composition and Term of Council

Composi-
tion and
term of
council.

Sec. 19. The Council shall consist of nine members, who shall be elected on a general ticket from the city at large, and who shall serve for a term of two years beginning the first day of January next after their election until their successors are elected and qualified, except that, at the first election held under the provisions of this charter, the Council then elected shall serve from June 30, 1921, to and including December 31, 1923. Vacancies in the Council shall be filled by the Council for the unexpired term. Absence from five consecutive regular meetings, unless excused by resolution of the Council, shall operate to vacate the seat of any member so absent.

Qualifications of Councilmen

Qualifica-
tions of
councilmen.

Sec. 20. Members of the Council shall be electors of the municipality and residents of the city for a period of not less than five years. They shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office; and any such contract in which any member is or may become interested may be declared void by the Council. Any member of the Council who shall have been convicted of a crime while in office shall thereby forfeit his office.

Powers of Council

Powers of
council.

Sec. 21. The Council shall be the judge of the election and qualification of its members. Except as otherwise provided herein, the Council shall determine its rules of procedure and keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules. Neither the Council nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or

prevent him from exercising his own judgment in the appointment of officers and employes in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

Appointments by Council

Sec. 22. The Council shall select the City Manager, City Attorney, Police Judge, City Treasurer, City Clerk and such other officers and employes of its own body as may be deemed necessary. All officers and employes chosen by the Council shall serve during its pleasure.

Appoint-
ments by
council.

Rules and Quorum

Sec. 23. A majority of all the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time, and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance.

Rules and
quorum.

Meetings

Sec. 24. At 8 P. M. on the 30th day of June following the first regular municipal election under this charter, the Council shall meet at the usual place for holding meetings of the legislative body of the City at which time the newly elected Councilmen shall assume the duties of their office. Thereafter the Council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet in the evening not less than once each week. The mayor, or in his absence, the president pro-tem of the Council or any two members thereof, may call special meetings of the Council upon at least twelve hours' written notice to each member of the Council, served personally on each member or left at his usual place of residence. Any such notice shall state the subjects to be considered at the meeting and no other subjects shall be there considered. All meetings of the Council or committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Meetings.

Procedure of Council

Sec. 25. The Council shall act only by ordinance or resolution. The affirmative vote of five members of the Council shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances and resolutions shall be taken by Ayes and Noes and entered upon the Journal. Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, which shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enact-

Procedure
of council.

ing clause of all ordinances passed by the Council shall be "BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO." The enacting clause of all ordinances submitted by initiative shall be "BE IT ENACTED BY THE PEOPLE OF THE CITY OF SACRAMENTO." The Council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them.

Emergency Measures

Emergency
measures.

Sec. 26. The Council may, by vote of six of its members, pass emergency measures to take effect at the time indicated therein. Emergency measures shall contain a section in which the emergency is set forth and defined. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its services by any public utility, shall be so passed.

Reconsideration

Reconsideration.

Sec. 27. When any ordinance is put upon its final passage and notice is given of a motion to reconsider, the vote upon such motion must be taken at a meeting of the City Council held not later than one week after the meeting at which notice of such motion was given.

Appropriation Limitations

Appropriation
limitations

Sec. 28. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred except pursuant to appropriations made by the Council; and whenever an appropriation is so made, the Clerk shall forthwith give notice to the Controller. Moneys appropriated, as hereinbefore provided, shall not be used for other purposes than those designated in the appropriation ordinance without authority from the Council.

Investigation by the Council

Investigation
by the council.

Sec. 29. The Council or any committee thereof duly authorized by the Council so to do, may investigate the financial transactions of any office or department of the City government, and the official acts and conduct of any City employee. In conducting such investigation, the Council or any committee thereof may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may use subpoenas or attachments which shall be signed by the presiding officer of the Council or the chairman of such committee, as the case may be, which may be served and executed by any officer authorized by law to serve subpoenas and other processes. If the witness shall refuse to testify to any facts within his knowledge, or to produce any papers or books in his possession or in his control, relating to the matter

under inquiry before the Council or any committee, the Council shall have the power to issue an order for the arrest of said witness and forthwith to have said witness brought before the Police Judge of the city to be punished for contempt of court according to law.

Recording and Publication of Ordinances

Sec. 30. Every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the City Clerk. All ordinances shall be in effect from and after thirty days from the date of their passage, except as otherwise provided in this charter. Ordinances of a general nature or providing for public improvements shall, upon passage, be published once within ten days after final passage. Ordinances, proclamations, notices, advertisements for bids and other matters required by this charter or by law to be published shall be published in the official newspaper of the city, as herein provided. Publication of said matter shall be made for the following number of times: Notices of sale of bonds and notices required by law in reference to the proceedings relating to improvements, the cost of which is to be paid in part by special assessment, at least one time; advertisements for bids for work, and advertisements for sale or lease of real estate or for sale of personal property, daily for five days; proclamations of elections, such number of times as is provided by law; and all other matters, once. For the publication of such ordinances, proclamations, notices, advertisements for bids, and other matters referred to herein, no newspaper shall be paid any higher price than its maximum bona fide commercial rate. At least once in every two years, the City Clerk shall cause the publication, in pamphlet form, of all amendments to the charter and all ordinances and amendments thereto which shall have been adopted or enacted since the last similar publication. Said publication shall also include all franchises and contracts for the use of City property by public utilities privately owned, or the part thereof then in force.

Recording
and
publication
of
ordinances.

Proof of Ordinance

Sec. 31. A copy of any ordinance certified by the City Clerk under the seal of the city shall be prima facie evidence of the existence and contents of such ordinance and shall be admissible as such in any court or proceeding. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Proof of
ordinance.

ARTICLE V.

THE MAYOR

Sec. 32. The Council shall elect one of its members as chairman, who shall be entitled Mayor. The Mayor shall preside at the meetings of the Council, and perform such other duties con-

Mayor.

sistent with his office, as may be imposed by the Council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for military purposes. He may use the title of Mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the state, may so require; but this shall not be construed as conferring upon him administrative or judicial functions or other powers or functions of a Mayor, under the general laws of the state. In time of public danger or emergency, he may, with the consent of the Council, take command of the police and maintain order and enforce the laws. During his absence or disability, his duties shall be performed by another member appointed by the Council. The powers and duties of the Mayor shall be such as are conferred upon him by this charter, together with such others as may be conferred by the Council in the pursuance of the provisions of this charter, and no others.

ARTICLE VI.

CITY MANAGER

Appointment and Qualification

City
manager.

Sec. 33. The City Manager shall be the administrative head of the municipal government. He shall be chosen by the Council without regard to his political beliefs, and solely on the basis of his executive and administrative qualifications. The choice shall not be limited to the inhabitants of the city or state. He shall be appointed for an indefinite period, and cannot be removed from office except by a vote of six members of the Council. He shall serve at the will of the Council, provided, however, that he may not be removed within twelve months from the date on which he assumes his duties, except for incompetency, malfeasance, misfeasance or neglect of duty. In the case of his removal within said period, he may demand written charges and a public hearing thereon before the Council, prior to the date on which his final removal shall take effect; but the decision and action of the Council on such hearing shall be final, and pending such hearing, the Council may suspend him from duty. During the absence or disability of the City Manager, the Council shall designate some properly qualified person to perform his duties. Whenever a vacancy occurs in this office, the Council shall immediately proceed to elect a City Manager.

Powers and Duties

Powers and
duties.

Sec. 34. The City Manager shall be responsible to the Council for the efficient administration of all the affairs of the City. He shall have the power, and it shall be his duty:

- (a) To see that all laws and ordinances are enforced.

(b) Except as otherwise provided in this charter, to ap-^{Powers and duties.}point all heads or directors of department and all subordinate officers and employees of the city, with power to discipline and remove any officer or employee so appointed, subject to the Civil Service provisions of this charter.

(c) To exercise supervision and control over all departments and divisions created herein, or that may hereafter be created by the Council.

(d) Except when the Council is considering his removal, to attend all regular meetings of the Council and its committees, with the right to take part in the discussions, but without power to vote. He shall receive notice of all special meetings.

(e) To recommend to the Council for adoption such measures and ordinances as he may deem necessary or expedient.

(f) To see that all terms and conditions imposed in favor of the city or its inhabitants, in any public utility franchise, are faithfully kept and performed; and, upon knowledge of any violation thereof, to call the same to the attention of the City Attorney whose duty it shall be to take such steps as are necessary to protect and enforce said terms and conditions.

(g) To make and execute, on behalf of the City, all contracts involving the expenditure of less than five hundred dollars (\$500.00), except as may be otherwise provided in this charter, or by ordinance in pursuance thereof.

(h) To prepare and submit to the Council the annual budget.

(i) To keep the Council at all times fully advised as to the financial conditions and needs of the City.

(j) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the Council.

ARTICLE VII.

CITY CLERK

Custody of Records.

Sec. 35. The City Clerk shall have the custody of and be responsible for the corporate seal, and all books, papers, records, contracts, and archives belonging to the city, or to any department thereof, not in actual use by other officers or elsewhere by special provision committed to their custody. ^{City clerk.}

Shall Keep Records

Sec. 36. He shall be present at each meeting of the Council and keep full and accurate minutes of its proceedings and also separate books in which, respectively, he shall record all ordinances and official bonds; he shall keep all of the books properly indexed and open to public inspection when not in use. He shall devote his entire time to the duties of his office.

Power to Administer Oaths

Sec. 37. He shall have power to take affidavits and administer oaths in all matters relating to the business of the City and shall make no charge therefor.

Ex-Officio Secretary of Boards.

Sec. 38. He shall, without extra compensation, act as clerk or secretary, ex-officio, of any board or commission of the city government, except as herein otherwise provided, and shall keep full and accurate minutes of the proceedings thereof.

Assistants

Sec. 39. The City Clerk shall appoint, subject to the Civil Service provisions of this charter, such deputies and employees to assist him as the Council may, by ordinance, prescribe.

Other Duties

Sec. 40. The City Clerk shall perform such other duties as may be prescribed by this charter, by general law, or by ordinance.

ARTICLE VIII.

CIVIL SERVICE

Creation of Board

Sec. 41. Within sixty days after taking office, the City Council first elected shall appoint as members of a Civil Service Board three citizens of the City who shall, otherwise, have no connection with the City government. At the time of the said appointment, the City Council shall designate one of the citizens so appointed to serve for a term which shall expire December 31, 1923, one for a term which shall expire December 31, 1925, and one for a term which shall expire December 31, 1927. At the expiration of each of the terms so provided for, a successor shall be appointed for a term of six years. Vacancies on the Civil Service Board from whatever cause shall be filled by the City Council for the unexpired term.

Secretary

Secretary.

Sec. 42. The City Manager shall appoint one of the deputies in the office of the City Controller to be Secretary of the Civil Service Board. The Secretary shall be chief examiner for the Board and shall perform such additional duties as may be assigned to him by the Board.

*Exemptions and Classified Service*Exemptions
and
classified
service.

Sec. 43. The Civil Service Board shall formulate rules and regulations covering the selection and promotion of municipal employees. The officers and employees of the City who shall be exempt from the rules of Civil Service are all officers elected by the people, all boards and commissions, the City Manager,

the City Clerk, the heads of departments, the chief deputies in each department, and all professionally educated persons and experts employed by the City in their professional capacity. All other officers and employecs of the City shall belong to the classified service and shall be appointed and promoted upon no other grounds and for no other reason than their fitness for the position to be filled; provided, however, that in the Police and Fire Departments, no member shall be eligible for promotion until he shall have served at least three years in such department and that in subsequent promotions the member must have held the rank from which he is promoted at least two years. All officers or employees shall be chosen or promoted, whenever a list of eligibles is furnished by the Civil Service Board, from the three candidates standing highest on the list.

Examinations

Sec. 44. It shall be the duty of the Civil Service Board to hold examinations and to administer other suitable tests to those desiring positions or who are applicants for or who may have been recommended for promotion in the classified service for the purpose of determining their fitness to hold such positions or to qualify for such promotion and from the results of said examinations and tests, the Board shall prepare lists of eligibles for all positions in the classified service.

Preferences

Sec. 45. In all such tests, honorably discharged soldiers, sailors and marines, and widows of such, and the wives of injured soldiers, sailors and marines who themselves are not qualified but whose wives are qualified to hold such positions, shall not be subject to any age limitations. If such person has attained an average percentage of 65 where the average percentage required is 70, he shall be eligible and his name shall be placed on the list above and be certified before the names of persons who have not been allowed preference. If the names of more than one preference claimant appear on the same list, the name of the claimant having the highest average percentage shall head the list. Preference under this section does not apply to promotions or to promotion examinations.

Record of Efficiency

Sec. 46. Success in similar positions in the employ of the city shall be considered in estimating the standing of a candidate and to that end the Board shall, wherever feasible, cause to be kept a record of efficiency of all city employecs.

Discriminations

Sec. 47. No persons in the classified service or seeking admission thereto shall be appointed, promoted, demoted or discharged or in any way favored or discriminated against

because of political opinions or affiliations or because of race, color or religious belief.

Political Activity

Political activity.

Sec. 48. No officer or employee of the City shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or any political purpose whatever. No person holding a position in the classified service shall take any part in political management or affairs in any political campaign other than to cast his vote or to express privately his opinion.

Probations

Probations.

Sec. 49. Appointment or promotion to office or employment shall not be deemed complete until a period of probation not to exceed six months has elapsed, and a probationer may be discharged or reduced at any time within said period of six months.

Right of Trial

Right of trial.

Sec. 50. If discharged after the expiration of said period, the employee so discharged may demand a trial, whereupon he shall be tried as provided in the section on suspensions and removals.

Disciplinary Power

Disciplinary power.

Sec. 51. The City Manager, or other official or Board in whom is vested disciplinary or removal power, shall be allowed full freedom in his or its action on such matters, it being the intent and spirit of this article to provide a fair and honest approach to municipal employment for every inhabitant of the city, but, in no sense, to handicap or curtail the responsible administrative officer in securing efficient service.

Scale of Wages

Scale of wages.

Sec. 52. It shall be the duty of the Civil Service Board to familiarize itself with the scale of wages paid to all classes of employees both in and out of the city service, and for that purpose it shall, whenever it may be deemed necessary, hold investigations to ascertain the prevailing scale of wages. Whenever it shall be found that the city has diverged from such scale, the Board shall transmit, in writing, to the City Council notice of such divergence and it shall be the duty of the Council to adjust the wages paid to said prevailing scale.

ARTICLE IX

BOARD OF EDUCATION

Organization

Sec. 53. The government of the Sacramento City School District and the Sacramento City High School District shall be vested in a Board of Education consisting of five members, not more than three of whom shall be of the same sex. The Board of Education shall annually elect one of its members as President of the Board. He may be removed from such presidency by a vote of three members. The Superintendent of Schools shall be ex-officio Secretary of the Board of Education.

Board of education.

Appointment and Term of Office

Sec. 54. The members of the Board of Education shall be appointed by the City Council and shall serve without compensation for a term of five years. No member of the City Council, while serving as such, shall be appointed a member of the Board of Education. The City Council shall, at the time of the appointment of the first Board of Education after the adoption of this charter, designate one of the members so appointed to serve for each of the periods of one, two, three, four, and five years. The City Council shall fill vacancies as they occur by expiration of term for a full period of five years. Other vacancies shall be filled for the unexpired term.

Appointment and term of office.

Powers

Sec. 55. The Board of Education shall have the entire control and management of the public schools of the City in accordance with the Constitution and the general laws of the State and is vested with all the powers and charged with all the duties provided by this charter.

Powers.

Superintendent of Schools

Sec. 56. The Board of Education shall appoint a Superintendent of Schools and fix his compensation and shall appoint such assistant superintendents and other employees as may be necessary.

Superintendent of schools.

Duties of Superintendent

Sec. 57. The City Superintendent of Schools shall be the executive officer of the Board of Education and he shall give his full time to the duties of his office. He shall be subject only to the Board of Education and all orders of the Board relating to the direction of the principals, teachers, and janitors shall be given through him.

Deputies of superintendent.

Levy for School Purposes

Sec. 58. In case of disaster from flood, fire, wind, riot, accident, earthquake, or public enemy, the Board of Education may incur extraordinary expenditures in excess of the annual limit provided by law and in this charter for the repair, construction,

Levy for school purposes.

and furnishing of school houses; and the City Council may, by ordinance, cause to be transferred to the School Fund from any moneys in any other fund not otherwise appropriated sufficient moneys to liquidate such extraordinary expenditures. The City Council may levy annually a tax not to exceed five cents on each one hundred dollars of the assessed value of the real and personal property within the City for the purpose of purchasing land for educational uses and for the construction of permanent school buildings or permanent additions thereto, and for the purpose of reimbursing any fund of the City for moneys transferred therefrom to the School Fund as in this section provided.

ARTICLE X.

DEPARTMENT OF ENGINEERING.

Organization

Depart-
ment of
engineering.

Sec. 59. The Department of Engineering shall consist of a City Engineer, appointed by the City Manager, and such other officers, clerks, employees and attaches as the City Council may from time to time prescribe.

City Engineer

City
engineer.

Sec. 60. The City Engineer shall be a civil engineer of not less than five years practical experience as such. He shall be head of the department and shall hold office at the pleasure of the appointing power. He shall possess the same power in the city in making surveys, plats and certificates as is given by law to City Engineers and County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of City Engineers or County Surveyors. He shall be the custodian of, and responsible for, all maps, plans, profiles, field notes, and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof, and shall turn the same over to his successor who shall give him duplicate receipts therefor, one of which he shall file with the Controller. All maps, plans, profiles, field notes, estimates, and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the City.

Powers and Duties

Powers and
duties.

Sec. 61. The City Engineer shall be ex-officio superintendent of Streets. He shall have charge of the planning, opening, construction, paving, maintenance and repair of streets, boulevards, alleys and public ways. He shall have supervision over the sewers and sewage system, the crematory, the corporation yard, the cleaning and sprinkling of streets and the levees of the City. He shall have charge of the City Waterworks and mains and of any filtration plant operated by the City. He

shall have charge of the construction, maintenance, repair and operation of all public buildings belonging to or used by the City, all wharves, docks, chutes, ships, quays and waterfront property, of the construction and maintenance of fire and police alarm systems, of all buildings and automobile mechanics and machinists in the employ of the City and the enforcement of all rules and regulations pertaining thereto, of the inspection of all electric wires for furnishing heat, light or power and of the wiring of all buildings hereafter erected in the City and of the inspection of buildings and the issuing of permits for building operation in accordance with the rules and regulations which may be prescribed by ordinance. He shall also perform such other duties relating to his department as may be required of him by the City Manager.

Water System Records

Sec. 62. The City Engineer shall cause to be made a full and complete set of water system records consisting of maps, plats, notes, and other records of the City water pipe system, showing and giving the location and size of all mains, laterals, pipes, hydrants, house-taps, air-valves, blow-offs, and other fixtures and connections. Said set of records shall be amended from time to time to show extensions, additions and alterations, and shall be a faithful and accurate record of all things herein provided for. It shall be a public record and shall forever remain the property of the City. Said maps, plats, notes, and records shall be safely kept in fireproof vaults or safes or shall be made in duplicate to prevent danger of loss.

Water
system
records.

Service to Other Departments

Sec. 63. It shall be the duty of the City Engineer, subject to the approval of the City Manager, to furnish to any department of the City such service, labor, and materials as may be requisitioned by the head of such department. The expense of such service, labor and materials shall be charged to the department so furnished, at actual cost.

Service to
other
depart-
ments

ARTICLE XI

FINANCIAL PROVISIONS

FINANCING AND TAXATION

The Treasurer

Sec. 64. It shall be the duty of the City Treasurer to receive and keep all moneys that shall come to the City by taxation or otherwise, and to pay out the same in payment of the principal and interest of the outstanding bonds of the City or on demands audited in the manner provided by law. He shall perform such other duties as may be prescribed by this charter, by general law or by ordinance. The City Treasurer shall have the power and it shall be his duty to transmit under

Duties of
city
treasurer

proper safeguards to any bank or banking company in the City in which any of the outstanding bonds are payable, sufficient funds to meet any payments on said bonds and the interest thereon when the same shall become due.

Depositing of City Money in Banks

Depositing
of city
money in
banks.

Sec. 65. The Council shall have the power to avail itself by ordinance of any law of the State of California now, or hereafter in force, whereby any or all money belonging to the City may be deposited in any National Bank or banks within the state, or any bank or banks organized under the laws of the state, in such manner, and under such conditions as may be provided by law; provided further that such depository bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per cent per annum for such deposit as may be determined by bids to be submitted at such times and in such manner as the Treasurer may direct; and provided further that such deposit shall not exceed the paid up capital, exclusive of reserve and surplus, of any such depository bank; and provided further that not more than twenty per cent of the public moneys shall be deposited in any one bank while there are other qualified banks in the City requesting such deposits; and provided also that no public moneys shall be deposited in any bank outside of the City while there are other qualified banks within the city requesting such deposits on the same terms and conditions.

The Controller: Qualifications and Powers

Controller.

Sec. 66. The Controller shall be appointed by the City Manager and shall be an experienced accountant, preferably one who has had experience in municipal accounting. He shall have direct supervision over the department of finance and the administration of the financial affairs of the City, the assessment and collection of taxes, special assessments and all other revenues, (except as provided by general law); the disbursement of city funds and moneys; the purchase of supplies, and such other duties as the Council may, by ordinance, provide.

Accounts and Records

Accounts
and records.

Sec. 67. The Controller shall be the bookkeeper of the City and of every department thereof, and shall keep full, true, and detailed records of all accounts. Forms for all such accounts shall be prescribed by him with the approval of the City Manager; and shall be adequate to record all cash receipts and disbursements, all revenues accrued, and liabilities incurred, and all transactions affecting the acquisition, custody and disposition of values, and to make such reports of financial transactions and conditions of the City as may be required by law or ordinance. Financial reports shall be prepared and submitted to the Council for each month and each fiscal year, and

for such other periods as may be required by the City Manager, or the Council. Copies of the annual report shall be printed and available for distribution. Accounts shall be kept for each public utility owned or operated by the city, distinct from other City accounts and in such manner as to show the true and complete financial result of such City ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the City of each public utility owned; the cost of all extensions, additions and improvements; all expenses of maintenance; the amounts set aside for sinking fund purposes; and in the case of City operation, all operating expenses of every description. The accounts shall show as nearly as possible the value of any services furnished to or rendered by any such public utility by or to any other city or governmental department. The accounts shall also show a proper allowance for depreciation, insurance and interest on the investment and estimates of the amount of taxes that would be chargeable against the property if privately owned. The Council shall annually cause to be made and printed for public distribution a report showing the financial results of such City ownership or ownership and operation, which report shall give the information specified in this section and such other information as the Council shall deem proper.

Inventory of City Assets

Sec. 68. The Controller shall, immediately upon taking office and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies, and movable property of every kind and nature whatsoever, in each department, building and office of the City, and may require of each officer or department head an inventory of the same; and any officer, or department head who neglects or refuses to make such inventory required by the Controller shall be punishable by removal from office. The annual balance sheet taken from the City ledger shall exhibit, under classified heads, all assets of the City, including its plant, equipment, material and supplies, cash on hand, investments, loans, and all amounts and accounts due and owing, of every character. In like manner such balance sheet shall show, under classified heads, all liabilities of every character. He shall keep accurate accounts with the Treasurer, and his records shall show at all times the exact condition of the treasury and of all appropriations and expenditures. He shall keep an official record of all demands audited by him, showing the numbers, dates, amounts, names of claimants, for what purpose and against what appropriations drawn. The Controller's office shall be the depository of all accounts, books, papers, vouchers and all documents, pertaining to the debts, revenues, and expenditures of the city. A copy of every contract hereafter entered into, to which the City is a party, duly verified by the City Clerk to be a full, true and accurate copy, shall be

Inventory
of city
assets.

filed by the City Clerk with the Controller within ten days after the same shall have been executed.

Collection and Custody of City Moneys

Collection
and
custody
of city
moneys.

Sec. 69. All taxes, assessments, license and other fees accruing to the City shall be collected, and paid into the City treasury through the Controller at least four times a month, including the first business day of each month.

Payment of Claims

Payment
of claims.

Sec. 70. Payment by the City, excepting redemption of bonds and interest coupons, shall be made only upon vouchers certified by the head of the appropriate department and approved by the City Manager, and by means of warrants on the City treasury issued by the Controller. The Controller shall examine all payrolls, bills and other claims and demands against the City, and shall issue no warrant for payment unless he finds the claim is in proper form, correctly computed and duly certified; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the City treasury to make payment. He may require any claimant to make oath to the validity of the claim. He may investigate any claim, and for such purpose may examine witnesses under oath; and if he finds it fraudulent, erroneous or otherwise invalid, he shall not issue a warrant therefor. No suit shall be brought on any claim for money against the City or any officer, board or commission of the City until a demand for the same has been presented and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against the City or any officer, board or commission thereof upon any claim or demand which has been approved and audited; provided, that nothing herein shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the City Council or any officer, board, or commission to compel him or it to act upon such claim or demand, or to pay the same when audited.

Salaries

Salaries.

Sec. 71. Each member of the City Council shall receive the sum of Five Dollars (\$5.00) for each council meeting attended; provided that the total compensation of each member shall not exceed Twenty-five Dollars (\$25.00) in any one month. The City Council shall fix the salaries of all officers and employees of the City other than their own. The salaries of the City Manager, the Police Judge, heads of departments, and all members of the Police and Fire Departments shall be fixed by ordinance. The remuneration and method of payment of all other employees may be prescribed by resolution. In determining the salaries

of persons in the employ of the city, the City Council shall take into consideration the time of service of said persons and shall grant increases in salaries to such persons at the end of five, ten and fifteen years of continuous service. All salaries shall be paid semi-monthly and shall be in full compensation for all duties and services performed by such officers or employees for the City.

Mayor's Expense

Sec. 72. The Council shall appropriate annually to the Mayor, for purposes of entertainment and sundry expense, the sum of Six Hundred Dollars (\$600.00) for which he need furnish no vouchers. ^{Mayor's expense.}

Fiscal Year

Sec. 73. The fiscal year shall commence on the first day of January of each year. ^{Fiscal year.}

Annual Budget

Sec. 74. Not later than the second Monday in August in each year the City Manager shall prepare and submit to the Council a budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the City government, according to a classification as nearly uniform as possible. The budget shall present the following information: (a) An itemized statement of the appropriations recommended by the City Manager for current expenses and for permanent improvements for each department and each division thereof for the ensuing fiscal year, with comparative statements in parallel columns of the appropriations and expenditures for the current and next preceding fiscal year, and the increases or decreases in the appropriations recommended; (b) An itemized statement of the taxes required and of the estimated revenue of the City from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed; (c) A statement of the financial conditions of the City; and (d) Such other information as may be required by the Council. Copies of such budget shall be printed and be available for distribution. ^{Annual budget.}

Contingent Fund

Sec. 75. Provisions shall be made in the annual budget and in the annual appropriation ordinance for a reasonable contingent fund for use in any of the administrative departments of the City. Such contingent fund shall be under the exclusive control of the City Manager. In case of emergency, upon written request by the head of any department stating the facts constituting such emergency, the City Manager may, in writing, authorize the transfer from the contingent fund to the ^{Contingent fund.}

credit of the department making such request of a sum sufficient to meet the proposed emergency expenditure. He shall transmit a copy of such written authority to the City Controller and likewise to the department making such request. Upon the receipt by the Controller of such authorization, the said sum shall be available for the purpose aforesaid. The City Manager shall report in writing to the Council at its next regular meeting every such emergency payment, together with a statement of the facts necessitating the same.

Appropriation Ordinance

Appropriation ordinance.

Sec. 76. Not later than one month after the beginning of the fiscal year, the Council shall pass an annual appropriation ordinance, which shall be based on the budget submitted by the City Manager. The total amount of appropriations shall not exceed the estimated revenues of the City.

Temporary Appropriations

Temporary appropriations.

Sec. 77. Before the annual appropriation ordinance has been passed, the Council may make temporary appropriations for current department expenses, chargeable to the appropriations of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation is in force. No other liabilities shall be incurred by any officer or employee of the City, except in accordance with the provisions of the annual appropriation ordinance, or under continuing contracts and loans authorized under the provisions of this charter.

Transfer of Appropriations

Transfer of appropriations.

Sec. 78. At any meeting after the passage of the appropriation ordinance, the Council, by a vote of six members may amend such ordinance, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

Cash Basis Fund

Cash basis fund.

Sec. 79. The City Council shall maintain the permanent revolving fund now established and known as the Cash Basis Fund, for the purpose of keeping the payment of the running expenses of the City on a cash basis. Said fund shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year. The City Council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the City Council to provide that all money so transferred from the Cash Basis Fund be returned thereto on or before the first of May of the following year.

Entertainment Fund

Sec. 80. The Council may appropriate and spend money from the funds of the City for any or all of the following purposes: Reception and entertainment of public guests, assistance of public celebrations held by the City at large, to aid or carry on the work of inducing immigration to the City, to exhibit manufactured and other products of the City; and generally, for the purpose of advertising the City, provided, however, that the aggregate expenditures for all of said purposes shall not exceed in one fiscal year the sum of two (2) cents on each One Hundred Dollars (\$100.00) of the assessed value of property within the City.

Entertainment fund.

Sinking Fund

Sec. 81. The City Council shall annually set aside from the income derived by the City from the City Water Works or its other revenue producing public utilities except the City Wharves, as a separate sinking fund for each of said public utilities, a sum which, according to the estimate of the City Engineer, approved by the City Manager, shall be sufficient to meet the normal depreciation in said public utility. Such fund shall be used only for the repair and replacement of the plants and equipment of said public utilities respectively.

Sinking fund.

Special Deposit Fund

Sec. 82. There is hereby created a fund to be known as the Special Deposit Fund wherein shall be deposited all moneys received by the City or any department, office, or board thereof, for the purpose of guaranteeing the payment of any costs, charges, or damages accruing or liable to accrue, to the city from the depositor for the performance of any act or thing which such depositor may undertake to do or perform, including all money deposited as bail to secure the liberation of a person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operation of the depositor. The money so deposited may be returned to the depositor, should he become entitled to the return thereof, in such manner as the City Council may, by ordinance, prescribe, or upon default being made in the payment of such costs, charges, or damages, or in the performance of any of such conditions, acts or things, may be declared forfeited in whole or in part and be so disposed of as the City Council may direct.

Special deposit fund.

Waterfront Fund

Sec. 83. All moneys derived by the City from, by, or through any franchise, lease or rental, for any wharf, or concerning any portion of the waterfront, or for dockage, wharfage, elevator or levee dues or rental, shall be deposited in a special fund to be known as the Waterfront Fund and shall

Waterfront fund.

be used exclusively for the maintenance, repair, operation, improvement and development of the waterfront and the facilities used in connection therewith.

Valuation of Property for Taxation Purposes

Valuation
of property
for
taxation
purposes.

Sec. 84. All property subject to ad valorem taxation shall be valued at its fair market value, subject to review and equalization, as provided by ordinance. In valuing improved real estate for taxation, the market value of the land and the improvements thereon shall be assessed separately.

Assessment Roll

Assessment
roll.

Sec. 85. On or before the first Monday in July in each year, the Controller shall complete the assessment roll, and shall attach his certificate thereto and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the City Clerk, and the Clerk shall thereupon notify the Board of Equalization of the fact. Said roll shall be kept in his office for public inspection.

Tax Levy

Tax
levy.

Sec. 86. On or before the first Monday in September in each year, the Council shall, by ordinance, levy such tax as may be necessary to raise the amounts estimated to be required in the annual budget (less the amount of revenue expected from other sources) and all sums required by law to be raised on account of the City debt.

Transfer to County Officers

Transfer
to county
officers.

Sec. 87. The Council shall have the power to avail itself, by ordinance, of any law of the State of California now or hereafter in force, whereby the assessment of property, the equalization of assessments, and collection of taxes, and the enforcement of the collection of such taxes by sale of property or otherwise, may be made by the officers of the county in which the City of Sacramento is situated. All provisions of the charter concerning the assessment of property, the equalization of assessments, and the collection of taxes by the officers of the City shall be suspended while any such ordinance remains in force.

Procedure for Municipal Taxation

Procedure
for
municipal
taxation.

Sec. 88. Except as in this article otherwise provided, the assessment of property taxable in the City for municipal purposes, the equalization of assessments and collection of taxes, the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property

for unpaid taxes for state and county purposes and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes, and the respective officers of the City shall have, possess, and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes.

Tax Liens

Sec. 89. All taxes assessed, together with any percentage ^{Tax} imposed for delinquency and the cost of collection, shall constitute ^{liens.} liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for City taxes due thereon, the same shall be struck off and sold to the City, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes. The Council shall have power to provide for the procedure to be followed in such sales to the City and redemption thereafter. Interest must be collected on all such delinquent taxes at the rate of one per cent per month from the time delinquent until paid.

Board of Equalization

Sec. 90. Each year the Council shall appoint three of its ^{Board of} members who shall act as a Board of Equalization, which ^{equaliza-} Board shall meet on the second, third and fourth Mondays in July at 11 o'clock in the forenoon, and on such other days during said period as may be necessary or desirable, for the purpose of equalizing assessments. Said Board of Equalization shall have power to hear complaints and to correct, modify, strike out, lower or raise any assessment, provided, that at least one day's notice shall be given to the party whose assessment is to be raised. The City Clerk shall act as secretary of such Board and it shall be the duty of such secretary to keep permanent records of all proceedings, and to enter therein all resolutions and decisions of the Board.

Audit of Accounts

Sec. 91. As soon as practicable after the close of each fiscal ^{Audit of} year, an annual audit shall be made of all the accounts of all ^{accounts.} City officers. Such audit shall be made by qualified public

accountants, selected by the Council, who have no personal interest, direct or indirect, in the financial affairs of the City nor of any of its officers or employees. Reports of such examinations shall be filed with the City Clerk, the City Manager, the City Attorney, and the City Controller and copies thereof shall be supplied to the newspapers published in the City and to the public library. Any officer, clerk or employee, who shall refuse to give all required assistance and information to such accountant, or submit to him for examination such books, papers and records of his office as may be requested shall forfeit his office.

Bonds

Bonds.

Sec. 92. The City Council may contract bonded indebtedness as follows: It shall, by order duly passed by Ayes and Noes, recorded in its journal of proceedings, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which it is proposed to issue. The City Council shall then provide for the submitting of the question of the issue of said bonds to the qualified electors of the City, at a special municipal election, to be called by the City Council for that purpose, or at the next general municipal election, and it shall be held as nearly as possible in conformity with the general laws of the State. Notice shall be given of such election by publication for three weeks next prior thereto, in the official newspaper of the City, in which notice the amount of the bonds proposed to be issued, the terms of years they are to run, the object for which the indebtedness is to be created, and the rate of interest to be paid, shall be distinctly stated. The ballot shall be printed "For the Issue of Bonds. Yes." "For the Issue of Bonds. No." If two-thirds of the electors of the City so voting at such election shall vote in favor of issuing bonds, and not otherwise, the City Council may proceed to issue the amount of bonds specified, said bonds to be in the principal sums of not less than one hundred nor more than one thousand dollars each, having not more than forty years to run and bearing interest at a rate per annum not exceeding six per cent, payable semi-annually. The Council may make said bonds payable at the office of the City Treasurer, or at any designated place in the United States, at the option of the holder of the bonds. Said bonds and the interest thereon shall be payable in lawful money of the United States.

Form of Bonds and Coupons

Sec. 93. Bonds hereafter issued shall be substantially in the following form:

No.-----

The City of Sacramento, in the State of California, for value received, promises to pay to bearer hereof, on the first day of -----, in the year----- the sum of -----dollars, lawful money of the United States,

Form of
bonds and
coupons.

with interest thereon at the rate of-----per cent per annum, payable semi-annually, on the first day of----- and ----- in each year, on presentation and surrender of the interest coupons hereto attached, both principal and interest payable at the office of the City Treasurer of the City of Sacramento (here insert if the Council determine to make said bonds payable elsewhere, "or at the office of----- in the city of-----, State of-----").

In witness whereof the said City of Sacramento, by the City Council thereof, has caused this bond to be signed by the Mayor of the City and attested by the City Controller with the corporate seal of said City hereto attached this-----day of -----

 Mayor of the City.

Attest:

 City Controller.

Corporate Seal.

The interest coupons may be in the following form and shall be signed by the Controller:

No.-----

The treasurer of the City of Sacramento, California, will pay to the holder hereof, on the-----day of ----- in the year----- at his office in said City (here insert if Council determines to make interest payable elsewhere "or at the office of----- in the City of----- State of-----"), the sum of-----dollars, lawful money of the United States, for the interest on City bond number-----

 City Controller.

Sale of Bonds and Redemption Thereof

Sec. 94. Whenever bonds issued under this charter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the City Treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all such bonds delivered to him and the proceeds thereof. The treasurer shall then proceed to sell said bonds at not less than par value, together with any accumulated interest, under directions of the Council, and for the highest price obtainable, and whenever said bonds or any portion thereof are sold, he shall report the fact to the Controller, stating under oath the price for which said bonds were sold, and the Controller shall at once apportion the moneys arising under such sale at the proper fund in the treasury, filing a statement of such apportionment with the Council. The Council shall have the power and must create and name the funds of the City into which the money obtained from the sale of bonds shall be paid, and before or at the time of issuing said bonds, the City Council, by

Sale of
 bonds and
 redemption
 thereof.

ordinance, shall provide for the levy and collection of a tax to be levied and collected each year at the time and in the same manner as other taxes, sufficient to pay the annual interest upon such bonds issued and outstanding and not less than such proportionate part of the principal thereof as one year's time bears to the whole term for which said bonds are to run and in such manner that at, or before, the date of maturity of the bonds, the whole amount collected therefor shall be sufficient to discharge the whole amount of the principal and interest. The City Council must annually thereafter, levy such tax in sufficient amount to comply with the provisions of this section and the ordinance of the Council aforesaid, and the money arising from said levies shall be used for the payment of such bonds and interest coupons, and for no other purpose whatever; provided, however, that the Council may use any amount remaining in said fund after setting aside enough to pay the interest on said bonds maturing before the next tax levy in purchasing any of said bonds or coupons as hereinafter provided. The Council shall have the right, from time to time, upon such terms and after such notice as the Council may prescribe, to go into the open market and purchase one or more of the City's bonds, with the accumulated interest thereon; provided, that in no event shall any such bond be purchased at a price in excess of its par value and the accrued unpaid interest thereof. All bonds so purchased shall be immediately retired and cancelled. Notwithstanding the above provision as to the sale of bonds at not less than par, such bonds may be sold below par value when and if the constitution of the State of California so permits and such sale below par value shall be authorized at an election held as hereinafter provided. Such election shall be held and notices thereof given as near as may be in conformity with the provisions of Section 92 of this charter, and the notice of such election shall distinctly state the greatest discount below par value at which it is proposed to sell such bonds. If two-thirds of the qualified electors voting at such election shall vote in favor of such sale, said bonds may be sold below par value at a discount not greater than the discount so specified; but in all other respects such sale shall be made in conformity with the provisions of this section.

Surety Bonds

Surety
bonds.

Sec. 95. The Treasurer shall, before entering upon the duties of his office, give a bond in such amount as may be fixed by ordinance. The Council, may, by ordinance, require a bond and fix the amount thereof from any appointive officer or employe of the City, and no officer, elective or appointive, required by law, by this charter, or by ordinance, to give a bond shall be deemed qualified for his office or employment until such bond has been duly given and approved by the Council. The premiums on all such bonds given by corporate sureties shall be paid by the City. The bonds of the City Controller shall be filed with the City Clerk and all other bonds

shall be filed with the City Controller. Bonds of surety, guaranty, indemnity, or insurance companies which are organized and empowered by law to give such bonds, may be given subject to the requirements hereinafter contained. No bonds shall be held void because of any defect in form, recital, condition or substance, nor shall any principal or surety be discharged from liability thereon because of any such defect; but every bond intended as an official bond, or an employee's bond under this section, shall hold and bind the parties to it to the full extent contemplated by law, the charter, or the ordinance requiring the same. No warrant in favor of any person performing any service for the City who is required to give bonds to the City shall be drawn by the Controller or paid by the Treasurer unless the bond of such person shall be approved and filed as in this section provided prior to the issuance or payment of any such warrant. No bond or undertaking with a corporation or corporations as surety thereon shall be accepted or approved unless, at the time such bond or undertaking is presented for approval, there shall be filed in the office of the County Clerk of Sacramento County (1) A certified copy of the articles of incorporation of such surety company showing the requisite powers; (2) A duly certified copy of the record of appointment authorizing the person purporting to execute such undertaking to act in the premises for and in behalf of such corporation; (3) The certificate of the Insurance Commissioner of the State of California empowering such corporation to do business in the State of California; and (4) A certificate showing the names and addresses of the President, Vice President, and Secretary of the corporation, if it be a domestic corporation, and, if a foreign one, the name and address of the person upon whom service of process is to be made within the State of California.

Debts Prior to 1888

Sec. 96. Nothing in this charter shall ever be construed as permitting of authorizing any portion of the taxes levied and collected for the respective special funds, which the Council is authorized to establish, to be made use of in payment of any indebtedness of the City existing prior to January 1, 1888, nor shall the total amount of taxes collected and made use of in any one year, in payment of any indebtedness of the City which existed prior to January 1, 1888, ever exceed fifty-five cents on each one hundred dollars (\$100.00) upon the assessment book.

Debts
prior to
1888.

ARTICLE XII

FIRE DEPARTMENT

Organization

Sec. 97. The Fire Department shall consist of a Chief of the Department, an Assistant Chief, firemen, extra men and such other officers, clerks, employees, and attaches as the City Council may from time to time prescribe.

Fire
depart-
ment.

Qualifications

Qualifications.

Sec. 98. Every appointee to the department shall be not less than twenty-one, nor more than forty years of age, must possess the physical qualifications prescribed by the Civil Service Board (which shall not in any case be inferior to those required for recruits of the United States Army), and before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the Civil Service Board.

Chief of the Fire Department

Chief.

Sec. 99. The Chief of the Fire Department shall be appointed by the City Manager and shall hold office at the pleasure of the appointing power; provided, however, that should a member of the regular fire department of the city be appointed Chief of the Fire Department, his dismissal by the City Manager from the office of Fire Chief shall not accomplish his dismissal from the department, but he shall be restored to the rank and grade held by him prior to his appointment as Chief of the Fire Department.

Assistant Chief of the Fire Department

Assistant chief.

Sec. 100. The Assistant Chief of the Fire Department shall be appointed by the City Manager and shall hold office at the pleasure of the appointing power; provided, however, that should a member of the regular fire department of the City be appointed Assistant Chief of the Fire Department, his dismissal by the City Manager from the office of Assistant Chief shall not accomplish his dismissal from the department, but he shall be restored to the rank and grade held by him prior to his appointment as Assistant Chief of the Fire Department. In case of absence, disability or death of the Chief, the Assistant Chief shall assume charge of the Department.

Powers and Duties of the Chief

Powers and duties of the chief.

Sec. 101. He shall have control, management, and direction of all members of the Department in the lawful exercise of his functions with full power to detail any of them to such public services as he may direct. He shall recommend to the City Manager, members of the force for demotion, or dismissal and can suspend and prefer charges against any officer or member.

Sec. 102. When a vacancy arises in the Fire Department above the grade of firemen, the Chief of the Fire Department may, with the approval of the City Manager, assign a member of the department from the next lower rank to fill the position until such time as the absent member shall return or the vacancy be filled by appointment. The member so assigned shall, during his incumbency, receive the salary attached to the position thus temporarily held.

Sec. 103. He shall, subject to the direction of the City Manager, have control of the various engine houses and of the apparatus of the department.

Sec. 104. He shall keep a public office, to be provided by the City Council, which shall be open daily from 8 A. M. to 6 P. M. and at which he or a member of the department designated by him shall be in constant attendance. He shall devote his entire time to the discharge of the duties of his office and shall not, save when on vacation, absent himself from the City except by the written permission of the City Manager, which must be filed with the City Clerk, but in no case shall the Chief and the Assistant Chief be absent at the same time.

Firemen

Sec. 105. No member of the Fire Department shall be ^{Firemen.} allowed, without the consent of the City Council, to receive any money, gratuity or compensation for any service he may render as a fireman. The members of the Fire Department shall not follow any other profession, calling, or business, but shall devote their entire time to the performance of their duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this charter provided.

Hours of Duty

Sec. 106. The officers and members of the Fire Department shall be divided into two bodies or platoons; the hours of the day service shall be from eight o'clock A. M. to six o'clock P. M. and the hours of the night service shall be from six o'clock P. M. to eight o'clock A. M. Officers and members of the Fire Department shall change shifts at intervals of at least every seven days. Except the Chief and Assistant Chief, no officer or member of the Fire Department shall be required to remain on duty for two shifts consecutively, except during the change shift period or in case of a great conflagration or disaster. ^{Hours of duty.}

Sleeping Accommodations

Sec. 107. There shall be provided suitable sleeping rooms ^{Sleeping accommodations.} in the several engine houses for the use of the permanent members of the Department.

ARTICLE XIII

HEALTH DEPARTMENT

Organization

Sec. 108. The Health Department shall consist of a health ^{Health department.} officer, a city physician, an emergency surgeon, a city bacteriologist, a city analyst, a food and market inspector, a plumbing inspector, a sanitary inspector and all such other officers, clerks, and employes as the City Council shall prescribe.

Qualifications

Qualifications.

Sec. 109. The Health Officer, City Physician, Emergency Surgeon, and City Bacteriologist shall hold Physicians and Surgeons' Certificates authorizing them by law to practice medicine in this state, unless at the time of their appointment they shall be in the service of the United States in their professional capacity. The City Analyst shall be a graduate of a recognized university or technical school. The Food and Market Inspector shall be a veterinary surgeon, qualified by law to practice in this state. The Plumbing Inspector shall be a licensed plumber. The Sanitary Inspector shall be experienced in municipal inspection work.

General Powers of the Department

General powers of the department.

Sec. 110. The Health Department shall have the supervision of all matters pertaining to sanitary conditions in the City, and to the health of inhabitants. Among other things this department shall have full authority to deal with nuisances of every kind; to have control over the care, preparation, manufacture, and sale of all articles of food or drink or anything used for human consumption; to make and prescribe quarantine and other regulations framed to prevent the spread of infectious, communicable, or contagious diseases dangerous to the public health; and to establish and maintain an isolation hospital and remove thereto persons affected with any diseases in case it shall be impossible to quarantine adequately the dwelling of said person; to visit premises where there is reason to believe there may be infectious, communicable, or contagious diseases and to examine persons found therein; to supervise, control, and regulate the relief of the indigent sick and wounded in the city; to establish and maintain an emergency hospital and a free dispensary; and to establish a venereal clinic.

Powers and Duties of the Health Officer

Powers and duties of the health officer.

Sec. 111. The Health Officer shall be the head of the Health Department, and shall prescribe rules and regulations for the conduct of business of the department, the preservation of the public health, and the maintenance of proper sanitary conditions within the City. He shall prescribe such forms and regulations for the use and government of physicians, undertakers, and managers of cemeteries as may be necessary to preserve reliable vital and mortality statistics.

Food Inspection

Food inspection.

Sec. 112. Good reason appearing therefor, the Health Officer may inspect any and all things offered for sale, given in exchange, or given away for use as food or drink or for human consumption, and shall have the right at any time for said purposes to enter any place or building where such food or

drink or articles of human consumption are stored, manufactured, kept for sale, or given away, and no person shall be permitted to sell or dispose of anything pronounced by said Health Officer or other inspector to be unfit for food or for human consumption. When the Health Officer shall find any place used for the storage, manufacture, or sale of articles of food or drink or for human consumption to be so filthy or unsanitary or the methods or practices therein used so filthy or unsanitary as to endanger public health, the Health Officer shall post at the entrance of said building or place notices of the condition thereof and shall maintain such notices until such conditions or practices shall have been removed or abated and shall close such place or building and prevent its use for the storage, manufacture, or sale of such articles until said place or building shall be put in such condition and so used as no longer to endanger public health.

Nuisances

Sec. 113. The Health Officer shall abate or cause to be Nuisances. abated all nuisances within the City limits that are offensive to the senses, or that are, or threaten to become, detrimental to the public health. All pools of stagnant water, and all collections of filth, garbage, manure, or other substances that are, or may become, breeding places or food for mosquitos, flies, rats, or other disease-carrying insects or animals are hereby declared to be nuisances within the meaning of this section. Whenever any such nuisance exists within the City limits, the Health Officer shall order the owner or occupant of the premises whereon such nuisance exists to abate or remove the same within such time as may be specified in the order. If the owner or occupant fails, neglects, or refuses to obey such order, or if the premises be unoccupied and the owner, or his agent cannot be found, the Health Officer shall abate or remove such nuisance and shall defray the expense thereof out of any moneys in the City treasury available for such purpose. All expenditures so incurred shall be charged against the owner and shall be a lien on the lot and premises whereupon such nuisances existed. It shall be the duty of the Health Officer to forward to the City Attorney a written statement of all such expenditures incurred by him in carrying out the provisions of this section, and it shall be the duty of the City Attorney to proceed without delay to foreclose such lien, or otherwise compel the owner of such premises to repay the amount thereof to the City together with all charges of collection.

Burials

Sec. 114. The Health Officer shall have the management Burials. and control of the cemeteries owned by the City so far as relates to the sale of lots and burial space, to interments and exhumations, and cremations and other business of the cemeteries, and shall issue all permits for burials, exhumations,

and cremations within the City limits or within the cemeteries under the control of the City. No interments, cremations, or exhumations shall be made in any cemetery within the City or in any cemetery within the City's jurisdiction, unless the Health Officer is satisfied of the correctness and reliability of the certificates of death presented for his inspection. The Health Officer shall keep such records, make such reports, and perform such other duties in relation to cemeteries and disposal of the dead as may be required of him by law.

Rules and Statistics

Rules and statistics.

Sec. 115. The Health Officer shall cause to be kept a record of the transaction of the department and of its rules, regulations, and requirements and he shall be the custodian of all records pertaining thereto including all vital records, or death or cemetery records belonging to the City. He shall keep complete records of all births and deaths within the City.

Reports

Reports.

Sec. 116. The Health Officer shall make to the City Manager an annual report and may, by him, at any time, be required to make special reports concerning the health, and sanitation of the City, with his observations and recommendations thereupon, together with all statistics concerning the department.

Examination of Public Buildings

Examination of public buildings.

Sec. 117. The Health Officer shall examine periodically all public buildings and school houses in the City as to the manner in which they are lighted, ventilated, and heated and as to their sanitary condition and make a report thereupon to the City Manager.

Reporting Diseases

Reporting diseases.

Sec. 118. The Health Officer shall certify to the Superintendent of Schools the names and addresses of all persons within the City having such diseases as may be listed by the Health Department to be so certified.

Duties of Citizens

Duties of citizens.

Sec. 119. Every person in the City shall formally report to the health department every patient whom he shall have sick of an infectious, communicable, or contagious disease dangerous to the public health, or of any disease required by the health department to be so reported; and every householder, upon reasonable notice from the department that an occupant of his house is suffering from an infectious, communicable or contagious disease dangerous to the public health, shall adopt such preventive means and regulations as the department shall prescribe.

Penalties

Sec. 120. Every person who shall fail to report such case ^{Penalties.} of sickness as required herein, and every householder or head of a family who shall knowingly conceal such case of sickness, and every person who shall go or allow a minor child under his control to go upon the street or other public place while said person or minor child is suffering from a disease pronounced by the official notice from this department to be infectious, communicable, or contagious and dangerous to the public health, and every person who shall fail to comply with the rules, regulations, and requirements of the health department shall be subject to such fines and penalties as the City Council may, by ordinance, prescribe.

Power to Arrest

Sec. 121. The Health Officer, and other regularly appointed ^{Power to} employees of the health department shall have the right and ^{arrest.} power to arrest any person or persons who may violate any of the rules, regulations, orders or requirements of the health department, or any ordinance or general law relating to the maintenance of the public health and the sanitation of the City.

Power to Administer Oaths

Sec. 122. The City Health Officer shall have authority to ^{Power to} administer oaths and to require the giving of sworn testimony ^{administer} in matters connected with the health department. ^{oaths.}

Free Clinics and Dispensaries

Sec. 123. All free clinics and dispensaries established or ^{Free} maintained within the City shall be subject to the supervision ^{clinics and} and direction of the Health Officer. ^{dispensaries.}

Fees

Sec. 124. All fees collected by the Health Officer or any ^{Fees.} subordinate in this department in pursuance of his official duties, including fees allowed by the State or the County, shall be paid into the City treasury, through the Controller in accordance with Section 69 of this charter.

ARTICLE XIV.

THE DEPARTMENT OF LAW

Organization

Sec. 125. The Department of Law shall consist of a City ^{Depart-} Attorney, and such assistants, deputies, or clerks as the City ^{ment} Council may prescribe. ^{of law.}

Qualifications

Sec. 126. The City Attorney shall be an attorney-at-law, ^{Qualifica-} duly licensed to practice in all the courts of California and ^{tions.}

prior to his appointment must have been a resident of the City of Sacramento and engaged in the practice of law therein for at least five years. All assistants, deputies, and law clerks of the department shall have been duly licensed attorneys-at-law of at least two years' practice at the time of their appointment.

Appointment

Appoint-
ment.

Sec. 127. The City Council shall appoint the City Attorney and the City Attorney shall appoint all other members of the department.

Duties

Duties.

Sec. 128. The City Attorney shall be the legal adviser of and attorney and counsel for the City and for all officers, boards and departments thereof and for the Board of Education in all matters relating to their official duties. He shall conduct and carry on all suits, actions, and proceedings in behalf of or against the City, and shall prepare all contracts, bonds and other legal instruments in which the City is interested or concerned and shall endorse on each his approval of the form and correctness thereof of the form and correctness thereof or evidence such approval as to form in separate writings to be filed and preserved with the records of the Council. He shall designate a member of his department to prosecute on behalf of the People all criminal cases before the Police Court.

Opinions and Records

Opinions
and
records.

Sec. 129. The City Attorney shall keep on file in his office all written opinions given by him to any officer or board, all briefs and transcripts used in causes in which he appears in behalf of the City, and bound books of record and registry of all actions or proceedings under his charge in which the City is interested, all of which shall be the property of the City. He shall deliver all books, records, reports, documents, papers, statutes, law books, and property of every description in his possession belonging to his office, or to the City, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Controller.

ARTICLE XV.

CITY LIBRARY

Organization

City
library.

Sec. 130. The City Library Department shall consist of a Librarian and such other officers, clerks, employees, and attaches as the City Council may from time to time prescribe.

Qualifications

Qualifica-
tions.

Sec. 131. Every appointee to the department except apprentices, must have had previous experience in library work, or must pass an examination appropriate to the position it is

designed to fill. Certificates from approved library schools, or library certificates issued by authority of the state or of other states may be accepted in lieu of such experience or examination.

The Librarian

Sec. 132. The Librarian shall be appointed by the City ^{Librarian.} Manager and shall hold office at the pleasure of the appointing power.

Powers and Duties of the Librarian

Sec. 133. He shall have control, management, and direction ^{Powers and duties.} of all members of the Department in the lawful exercise of his functions. He shall, subject to the direction of the City Manager, have charge of the City Library and its branches and may establish additional branches. He shall make and enforce all necessary rules and regulations for the proper administration of the library and its branches.

Sec. 134. He shall, under suitable regulations, have authority to extend the use of the library and its branches to persons residing outside of the corporate limits of the City. He may lend to, borrow from, or exchange with other libraries any books or other library material. He shall determine what books and other library material shall be purchased.

Apprentices

Sec. 135. The Librarian may, subject to the approval of the ^{Apprentices.} City Manager, appoint, as apprentices, persons possessing satisfactory qualifications for library work. Such apprentices may be dismissed at any time.

ARTICLE XVI.

PARK DEPARTMENT

Organization

Sec. 136. There shall be a Superintendent of Parks who ^{Park department.} shall be appointed by and shall be, in all things, subject to the City Manager.

Powers and Duties of the Superintendent

Sec. 137. The Superintendent of Parks shall have control ^{Powers and duties of superintendent.} and management of all land and water parks, parkways, squares, and public pleasure grounds, and of the landscape of all cemeteries owned or controlled by the City of Sacramento, and of all grounds surrounding public buildings of the City with the exception of school grounds, and of properties now or hereafter acquired or set apart for recreational areas and children's playgrounds.

Matters Under His Control

Matters
under his
control.

Sec. 138. Unless otherwise provided in this charter, such control and management shall extend to and include, among other things, the power to plan, lay out, and locate driveways, and regulate traffic in, and have the care and improvement (except as to the construction, paving, and maintenance of driveways) of all parks and all parkways owned or controlled by the City, whether within or without its limits; to make rules and regulations for the conduct of the officers and employees of the department and to prescribe the duties of the same; to plant and exercise supervision over all shade trees, shrubs, and plants of all kinds on or in the streets, and public areas and about the public buildings of the City, except school buildings; to make and provide for the enforcement of rules and regulations as to the use of parks and other pleasure grounds and the highways thereof by the public; to improve and adorn the parks and other public grounds and do all things necessary and proper to render them of the utmost value to the public; and to prepare, in conjunction with the Engineering Department of the City, the plans and specifications for the erection of all buildings and other structures to be erected within the parks or on public grounds pertaining to park purposes, provided that the preparation of plans and specifications of any such buildings or structures may, subject to the approval of the City Manager, be assigned to a practicing architect.

Works of Art

Works
of art.

Sec. 139. No outdoor work of art shall become the property of the City unless such work of art shall be approved by an Art Committee consisting of the City Manager, the Superintendent of Parks, the custodian of the E. B. Crocker Art Gallery, and the City Librarian, nor shall any work of art, until so approved, be erected or placed in or upon or allowed to extend over any park, square, or grounds belonging to the City. The term, "work of art," as herein used, shall apply to and include all statues, bas-reliefs, or other sculptures, monuments, fountains, arches, or other structures of a permanent character intended for ornament or commemoration. Approval by the committee shall be understood to mean unanimous approval.

Revenues

Revenues.

Sec. 140. In order to maintain the public parks of the city and to provide for the development of the same and for other expenses to be incurred by the Park Department, the City Manager shall include in his budget an amount estimated by him to be sufficient for said purposes, and the City Council shall provide for the same in the levy, making such changes as it shall deem proper. All money raised or acquired for park purposes shall be kept in the Park Fund and shall be devoted exclusively to said uses.

ARTICLE XVII

POLICE COURT

Creation of Court

Sec. 141. There is hereby constituted a Police Court in and for the City of Sacramento, which shall be presided over by the Police Judge. The Police Judge shall devote his entire time to the duties of his office, and shall not, during his incumbency, engage in the practice of law or be associated directly or indirectly with any lawyer or law firm in such practice.

Police court.

Term and Qualification of Judge

Sec. 142. The Judge of the Police Court shall be appointed by the City Council and shall hold office at the pleasure of the Council. He must have been for at least two years prior to his appointment as Police Judge a qualified elector of the City of Sacramento and for a like period a practicing attorney admitted to practice in all the courts of the state.

Term and qualification of Judge.

Jurisdiction

Sec. 143. Said Police Court shall have jurisdiction:

Jurisdiction.

(1) Of all misdemeanors enumerated by the general laws or by ordinances of the city and of all other crimes cognizable by Justices' Courts and Courts of Justices of the Peace and Police Courts under the Constitution and laws of the State of California.

(2) Of all civic proceedings or criminal prosecutions for the violation of any provision of this charter, or of any ordinance of the city.

(3) Of the examination and commitment of persons charged with the commission of any offense that may be prosecuted by indictment or information.

(4) Such other criminal jurisdiction as is, or may hereafter be conferred by law upon Police Courts, Justices' Courts, or Justices' of the Peace; and in the exercise of such jurisdiction, the Judge of the Police Court may punish persons guilty of contempt of court, and may issue warrants of arrest, subpoenas, venires, writs, executions, attachments, and all other processes necessary and proper for the discharge of his duties.

A Court of Record

Sec. 144. Said court shall be considered a court of record, and shall have a seal, to be furnished by the city. Certified transcripts of the dockets, files or records, or of any papers, processes, or proceedings of said court, made by the Clerk thereof, under seal of said court, shall be received in evidence in any court, and all warrants and processes of said court, and all processes issued, or acts done by said court and certified under its seal, shall have the same force and validity as though issued or done by any other court of record in the state.

Court of record.

Governed by General Law

Governed
by
general
law.

Sec. 145. The Police Court shall be governed in its proceedings by the provisions of law regulating proceeding before Justices' Courts, Justices of the Peace, and Police Courts, except so far as the same are added to or modified by this charter; and such Police Court may be treated and considered as a Justices' Court whenever necessary to sustain and uphold the jurisdiction thereof, or any proceedings had therein; and all provisions of law relating to Justices of the Peace and Justices' Courts are hereby made applicable to said Police Court; and nothing in the title of the court or of any papers or proceedings therein shall affect the question of jurisdiction; and said court and the said Judge shall have all the powers and jurisdiction now or hereafter conferred by law upon Justices' Courts, Police Courts, or Justices of the Peace in criminal cases.

Clerk of the Court

Clerk
of the
court.

Sec. 146. Said Police Court shall have a clerk who shall be appointed by the Police Judge and shall be designated the Clerk of the Police Court. The Clerk shall keep a record of the proceedings and issue all processes ordered by the Police Court, and receive and daily pay into the City Treasury all fines imposed by said court. He shall, each month, render to the Controller an exact and detailed account, in writing, upon oath, of all fines imposed and collected, and of all fines imposed and uncollected, and all other moneys collected on behalf of the city since his last preceding report, which account shall be certified to by the Judge of the Police Court. He shall prepare bonds and justify bail when the amount has been fixed by the Judge, in cases where the bail does not exceed two hundred dollars (\$200.00), and he may administer oaths. The Clerk shall remain at the courtroom of said court during business hours, and during such reasonable time thereafter as may be necessary for discharging his duties.

Court Always Open

Court
always
open.

Sec. 147. The city shall furnish a suitable court-room for said Judge of the Police Court, at which he shall remain from nine A. M. to twelve M., and from one P. M. to five P. M.; and the city shall also furnish the necessary dockets and blanks for the use of said court. Said court shall be always open, except upon holidays and non-judicial days, and also on such days for such purposes as are by law required of other courts of the state on said days.

Actions Continued

Actions
continued.

Sec. 148. All actions and proceedings pending and undetermined, in the Police Court of the City of Sacramento, as said court existed prior to the taking effect of this charter, may be proceeded with, heard, tried, and determined in the Police Court herein provided for, before said Police Judge, the same as if such action and proceedings had been originally commenced therein.

ARTICLE XVIII.

POLICE DEPARTMENT

Organization

Sec. 149. The Police Department shall consist of a Chief of Police, a police force, and all such other officers, clerks, employees, and attaches as the City Council may, from time to time, prescribe.

Qualifications

Sec. 150. Every appointee to the department shall be not less than twenty-five nor more than thirty-five years of age, must possess the physical qualifications prescribed by the Civil Service Board (which shall not in any case be inferior to those required for recruits of the United States army), and, before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the Civil Service Board.

Chief of Police

Sec. 151. The Chief of Police shall be appointed by the City Manager and shall hold office at the pleasure of the appointing power; provided, however, that should a member of the regular police force of the city be appointed Chief of Police, his dismissal by the City Manager from the office of Chief of Police shall not accomplish his dismissal from the department, but he shall be restored to the rank and grade held by him prior to his appointment as Chief of Police. In case of the absence, disability, or death of the Chief of Police, the Inspector of Police shall act in his stead.

Sec. 152. He shall have control, management, and direction of all members of the Department in the lawful exercise of his functions with full power to detail any of them to such public service as he may direct. He shall recommend to the City Manager members of the force for demotion or dismissal and can suspend and prefer charges against any officer.

Sec. 153. When a vacancy arises in the Police Department above the grade of patrolman by reason of absence or disability, the Chief of Police may, with the approval of the City Manager, assign a member of the Department from the next lower rank to fill the position until such time as the absent member shall return or the vacancy be filled by appointment. The member so assigned shall, during his incumbency, receive the salary attached to the position thus temporarily held.

Sec. 154. He shall, subject to the direction of the City Manager, have control and management of the City Prison.

Sec. 155. In the enforcement of law and of the ordinances of the city, and in the suppression of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws or public authority, the Chief of Police shall, in the lawful exercise of his functions, have all the powers that are

now or may be hereafter conferred upon sheriffs by the laws of the state.

Sec. 156. He shall be responsible for the execution of all laws and ordinances. He shall see that the orders and processes issued by the Police Court, and such other orders and processes as may be placed in his hands, are promptly executed, and shall exercise such other powers connected with his office as may be provided for in the rules and regulations of the Department.

Sec. 157. The Chief of Police shall possess powers of general police inspection, supervision, and control over all pawnbrokers, peddlers, junk-shop keepers, dealers in second-hand merchandise, auctioneers, and intelligence office keepers. In the exercise of such powers, the Chief may, in writing, empower members of the Police Department to examine the books and premises of any such person when in search of property feloniously obtained or in search of evidence to convict any person charged with crime.

Sec. 158. He shall keep a public office, to be provided by the City Council, which shall be open at all hours, day and night, and at which he or a police officer designated by him shall be in constant attendance. He shall devote his entire time to the discharge of the duties of his office and shall not, save when on vacation, absent himself from the city except by the written permission of the City Manager, unless in pursuit of persons who have committed public offenses within the limits of the city. He may, from time to time, disburse such sums for contingent expense of the Department as, in his judgment, shall be for the best interest of the city, to be paid out of the Contingent Fund allowed the Department. The aggregate of all such sums shall not in any one fiscal year exceed the amount appropriated to such fund.

Police Officers

Police
officers.

Sec. 159. No member of the police force shall be allowed to receive, without the consent of the City Council, any money, gratuity, or compensation for any service he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals. The members of the police force shall not follow any other profession, calling, or business, but shall devote their entire time to the performance of their official duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this charter provided. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all ordinances of the city, and with all laws of the state defining public offenses and regulating criminal proceedings.

Extra Policemen and Special Officers

Sec. 160. The City Council shall, by ordinance, provide for the appointment and compensation of such extra policemen as may, from time to time become necessary for temporary duty, and may also, by ordinance, provide for the appointment of special policemen to be paid by the persons, firms, or corporations petitioning for the same. All extra and special policemen shall possess all the powers and discharge all of the duties of regular policemen, and shall be under the direction and control of the Chief of Police, and be subject to and obey all rules and regulations of the Police Department.

Extra
policemen
and special
officers.

ARTICLE XIX.

DEPARTMENT OF RECREATION

Organization

Sec. 161. There shall be a Superintendent of Recreation, who shall be appointed by and, in all things, shall be subject to the City Manager.

Depart-
ment of
recreation.

Powers and Duties

Sec. 162. The Superintendent of Recreation shall have control and management of all play and recreation in all public places and buildings owned or controlled by the city which are used for play and recreational purposes. Such control and management shall include, among other things, the power to lay out, equip, supervise, and govern all children's playgrounds and all places of recreation of every kind belonging to the city; to prescribe the duties of all persons employed in any capacity in the Department of Recreation; and to establish rules and regulations for the conduct of its officers and employees.

Powers and
duties of
superint-
endent.

Lands Devoted to Recreation

Sec. 163. The City Council shall have power, by ordinance, to set aside, either absolutely or for a definite period of time, any lands belonging to the city for use as playgrounds and recreation areas for the benefit of the people of the city.

Lands
devoted to
recreation.

Revenues

Sec. 164. In order to maintain the public playgrounds and recreation areas or buildings and provide for the purchase, development, and equipment of playgrounds and other places of recreation and for other expenses authorized by this article, the City Manager shall include in his budget an amount estimated by him to be sufficient for said purposes, and the City Council shall provide for the same in the levy, making such changes as it shall deem proper. All moneys raised or acquired for playground and recreation purposes shall be kept in the Recreation Fund and shall be used exclusively for said purposes.

Revenues.

ARTICLE XX.

OFFICERS AND EMPLOYEES

*General Qualifications*Officers
and
employees.

Sec. 165. Every officer or employee of the city must be a citizen of the United States and have resided in the city of Sacramento not less than one year preceding his election or appointment. In case of flood, fire, or other public calamity, the City Manager may employ on city work persons other than citizens or residents. The provision of this section regarding residence shall not apply in the case of the City Manager or of professionally trained experts.

*Hours of Duty*Hours of
duty.

Sec. 166. No officer or employee of the city, except in the Fire Department, shall be required to work more than eight hours a day except in time of emergency. No officer or employee of the city shall be required to work more than six days a week except in time of emergency.

*Pension Board*Pension
board.

Sec. 167. The Civil Service Board with the City Manager and the City Controller shall constitute the Pension Board of the City of Sacramento. Said Board shall hold quarterly meetings in January, April, July, and October of each year and special meetings at the call of the President. It shall issue warrants signed by its President and Secretary in payment of pensions to persons entitled to the same. Said warrants shall be drawn quarterly upon funds provided for the purpose by the City Council and shall state the purpose for which the payment is made. The Council may, in its discretion, contract with regularly incorporated insurance companies to provide such funds.

*Persons Eligible to Pensions*Persons
eligible
to pensions.

Sec. 168. All employees of the City of Sacramento who have served the city continuously for twenty years in any capacity except as an elective officer or City Manager shall be eligible to relief and pension.

*Retirement Pensions*Retire-
ment
pensions.

Sec. 169. All city employees shall be retired upon reaching the age of seventy years. The Pension Board may retire and relieve from service any member of the Police or Fire Department who has passed the age of fifty-five years, or any other employee who has passed the age of sixty years, who, upon examination by two regularly licensed and practicing physicians in the employ of the city, designated by the Board for that purpose, may be ascertained to be unfit for the performance of his duty. Said Pension Board shall, at the request of any

member of the Police or Fire Department who has arrived at the age of sixty years or any other employee who has passed the age of sixty-five retire and relieve such member or employee making such application. Such retired employee shall receive an annual pension equal to one-half the salary paid him one year prior to his retirement. No pension shall be paid under the provisions of this section unless the employee has been in the employ of the city for twenty years continuously preceding his retirement, and, except as hereinafter provided, said pension shall cease at his death. No pension shall be allowed any employee if his disability is the result of any unlawful or immoral act committed by him.

Disability Relief

Sec. 170. Any city employee who shall become physically disabled by reason of any bodily injury received in the performance of his duty shall be entitled to such medical, surgical, and hospital treatment, including nursing, medicines, and medical and surgical supplies and apparatus, as may be required during the continuance of his disability, the same to be provided by the city. Such disability shall be certified to by two regularly licensed and practicing physicians in the employ of the city designated by the City Council for that purpose. The Council shall allow such injured employee full pay during the continuance of his disability or until retired upon a pension. Disability relief.

Disability Pension

Sec. 171. Any city employee, who is eligible to relief and pension as defined by section 168 and who has become disabled, upon filing with the Pension Board a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the head of his department, and by two regularly licensed physicians in the employ of the city, designated by the Board for that purpose, recommending his retirement upon a pension, on account of such disability, may be retired upon an annual pension equal to one-half of the salary paid him one year prior to his retirement, said pension to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement. Disability pension.

Dependents of Pensioners

Sec. 172. Upon the death of any person who has been retired under the provisions of this article, leaving a widow, provided she was the wife of such member at the time of his retirement, she shall receive a yearly pension equal to two-thirds of the pension received by such employee at the time of his death; or if he leaves no widow, and leave a child, or children, under the age of sixteen years, said amount shall be paid Dependents of pensioners.

to such child, or children, in equal shares while under the age of sixteen years; provided, however, that if such widow, or child, or children, shall marry, then such person so marrying shall thereafter receive no further pension, and provided further that if such deceased employee leave neither widow, nor child nor children, under the age of sixteen years, but leaves a parent or parents dependent upon him for support, such pension shall be paid to the parent or parents.

Killed in Performance of Duty

Killed in performance of duty.

Sec. 173. The Pension Board shall provide as follows for the family of any city employee of the class eligible to pensions who may be killed while in the performance of his duty: (1) Should the decedent leave a widow, she shall, as long as she remains unmarried, be paid a pension equal to one-half of the salary paid the decedent at the time of his death.

(2) Should the decedent leave no widow, but leave any child or children under the age of sixteen years, or should he leave a widow who shall die and leave his child or children under the age of sixteen years, such child or children collectively shall receive a pension equal to one-half the salary paid to the father at the time of his death, until the youngest child attains the age of sixteen years; provided, that no child shall receive any such pension after attaining the age of sixteen years.

(3) Should the decedent leave no widow or orphan child, or children, but leave a parent or parents, dependent solely upon him for support, such parents so dependent shall, collectively, receive a pension equal to one-half the salary paid to the decedent at the time of his death, during such time as the Pension Board may determine its necessity.

Death Not the Result of Injury

Death not the result of injury.

Sec. 174. When a member of the Police or Fire Department shall die in the employ of the City from causes other than those specified in section 173, after ten years of continuous service in such department, and such death shall not be the result of any immoral or unlawful act committed by such person, then his widow, and if there be no widow, then his children, and if there be no widow or children, then his parent or parents, if dependent upon him for support, shall be entitled to the sum of one thousand dollars (\$1,000).

Meritorious Conduct

Meritorious conduct.

Sec. 175. The Pension Board may, on notice from the head of any department, reward any city employee for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the Pension Board, but shall not exceed in any one instance one month's salary. The City Council shall, upon application of the Pension Board, provide money for such purpose.

Existing Pensions Continued

Sec. 176. Pensions existing in favor of the members of the Police and Fire Department at the time of the adoption of this charter shall be continued in force, subject to change under the provisions of this article.

Existing
pensions
continued.

Restrictions Upon Officers and Employees

Sec. 177. No person shall be elected or appointed to any office, position, or employment the compensation of which was increased or fixed by the City Council while said person was a member thereof, until after the expiration of one year from the date when he ceased to be a member of the City Council. No officer of the city, either elective or appointive, nor any clerk, assistant, or employee, shall be interested directly or indirectly in any contract or transaction with the city or with any department, board, officer, or employee thereof, nor become surety for the performance of any contract made with or for the city upon bonds given to the city. No officer, clerk, assistant, or employee shall receive any commission, money, or thing of value, or derive any profit, benefit, or advantage, directly or indirectly, from or by reason of any dealings with or service for the city by himself or others, except his lawful compensation as such officer, clerk, assistant, or employee. The violation of the provisions of this section by any such officer, clerk, assistant, or employee shall work the forfeiture of such office or employment. No person shall hold more than one office under the city government nor receive more than one salary from the city for the same time.

Restrictions
upon
officers
and
employees.

Summary Dismissal

Sec. 178. Any officer or employee of the city may be summarily dismissed for the good of the service by the City Manager with the unanimous consent of the City Council.

Summary
dismissal.

Suspensions and Removals

Sec. 179. Except in the Police and Fire Departments, the appointing power shall have authority to suspend without pay for a period not exceeding thirty days, or fine in any amount not exceeding one month's pay, any employee of such department for any violation of the rules of the department or for insubordination or for wilful neglect of duty, and may discharge any such employee; provided that the City Manager shall not be subject to any disciplinary action and can be dismissed only as elsewhere provided in this charter.

Suspensions
and
removals.

Sec. 180. The Chief of Police and the Chief of the Fire Department may respectively suspend for a like period, or fine in a like amount, and for similar cause, any member of his department; provided, that such suspension or fine must be reported in writing to the City Manager within twenty-four hours thereafter, together with a statement of the reasons

therefor. In the event that any member or employee of the Police or Fire Department be charged with any offense which, under the rules of the department, or in the judgment of the City Manager, justifies the expulsion of such member from the service of the city, the City Manager shall prepare, or cause to be prepared written charges against the accused, which shall be filed with the Trial Board herein created. Copies of all such charges shall be furnished to the accused, who shall have not less than ten days after such service within which to prepare his defense thereto. The accused may, at the hearing of such charges, be represented by counsel and shall have the right to compel the attendance of such witnesses as he may desire to testify in his behalf.

TRIALS

Trials.

Sec. 181. There is hereby created, for the purpose of hearing and determining charges made against any member or employee of the Police or Fire Department, except those members of either department who are exempt from the Civil Service provisions of this charter, a board to be known and designated as the Trial Board, which shall be composed of the members of the City Council. The verdict and judgment of a majority of the Trial Board shall be final. If the accused be found guilty, the Trial Board may dismiss him from the service of the city or inflict such other punishment upon him as in the judgment of the Board shall be adequate; provided, however, that in the event any employee or member of either the Police or the Fire Department be found guilty of the charge of drunkenness on duty, the Trial Board must dismiss him from the service of the city. Nothing in this article contained shall be construed to limit the jurisdiction of the Superior Court to hear and to determine any accusation brought against any elected or appointed officer of the city or any member of the Police or the Fire Department under and pursuant to the provisions of section seven hundred and fifty-eight to seven hundred and seventy-two, both inclusive, of the Penal Code of the State of California.

Vacancies in Certain Cases

**Vacancies
in certain
cases.**

Sec. 182. If any officer or employee of the city shall be convicted of a felony or malfeasance in office, or be adjudged insane, or absent himself for one month from the city without leave, his office shall immediately become vacant, and the vacancy shall be filled as in this charter provided.

Vacations

Vacations.

Sec. 183. All officers and regular employees of the city, after serving at least one year, shall be entitled to two weeks vacation, annually. Such vacation shall be at such time as the executive head of the department in which such officer or employee may be serving shall direct and shall be without loss

of pay. Any city employee in the Reserve Corps, Naval Reserve, Marine Corps, or National Guard of the United States Army and Navy, when called for his annual fifteen day period of intensive training, shall be permitted to participate therein and shall not suffer loss of pay through such absence nor shall such period devoted to said training be construed as the annual vacation of such employee but said employee shall have in addition thereto, the usual vacation period on pay allotted to city employees.

ARTICLE XXI

ELECTIONS

Proportional Representation System

Sec. 184. The members of the City Council shall be elected by the Proportional Representation System. The form of the ballots, the method of conducting elections and the rules for counting the ballots shall be governed by the provisions relating thereto hereinafter prescribed in the Appendix to this charter.

Proportional
representa-
tion
system.

Time of Elections

Sec. 185. A municipal election shall be held on the first Tuesday after the first Monday in May next following the approval of this charter by the Legislature, and subsequent municipal elections shall be held on the first Tuesday after the first Monday in November commencing in 1923 and biennially thereafter. All such elections shall be known as regular municipal elections. All other municipal elections that may be held shall be known as special municipal elections.

Time of
elections.

Regulation of Elections

Sec. 186. The City Council shall make all needful rules and regulations, not inconsistent with the provisions of the Proportional Representation System of elections as set forth in the Appendix to this charter or with the general law, for the conduct of elections, for the prevention of fraud in elections, and for the recount of the ballots in case of doubt or fraud.

Regulation
of elections.

Nominations

Sec. 187. A candidate may be placed in nomination by a petition, containing the signatures and addresses of not less than 100 nor more than 200 qualified electors of the City of Sacramento. Each candidate shall be so nominated separately, from the city at large, and no elector shall sign the petition of more than one candidate.

Nomina-
tions.

Declaration of Candidacy

Sec. 188. Prior to the circulation of the nomination petition of any candidate and not more than sixty days before the regular municipal election, the candidate shall take the fol-

Declaration
of
candidacy.

lowing oath or affirmation and the same shall remain as a matter of record in the office of the City Clerk:

State of California, }
County of Sacramento. } ss.

I, -----residing at
No. ----- Street,
Sacramento, California, being first duly sworn, hereby declare
myself a candidate for the office of City Councilman for the
City of Sacramento to be voted for at the Regular Municipal
Election to be held in said city on the -----day of
----- 19-----.

Subscribed and sworn to before me this-----
day of ----- 19-----.

City Clerk.

Nomination Petitions

Sec. 189. Individual nomination certificates shall not be required, but nomination petitions shall be presented in substantially the following form:

We, the undersigned, do solemnly affirm that we are qualified electors of the City of Sacramento, residing each at the place mentioned opposite his name, that we hereby severally nominate ----- who resides at No. ----- Street in said city, as a candidate for the office of City Councilman to be voted on at the regular municipal election to be held on the -----day of ----- 19-----, and that we have not signed the nomination petition of any other candidate.

Name	Address
-----	-----
-----	-----
-----	-----

Verification Deputies

Verifica-
tion
deputies.

Sec. 190. Each candidate shall designate one or more verification deputies and shall file notice of such designation with the City Clerk. Each verification deputy may present as many such petitions for one candidate as may be desirable, but each sheet shall begin with the affirmation as herein provided and close with an affidavit of the verification deputy to be taken before the City Clerk. Such affidavit shall be substantially as follows:

State of California, }
County of Sacramento. } ss.

I, -----being first duly sworn, depose and say that I am a qualified elector of the City of Sacramento; that I have been designated as a verification

deputy of _____, who is a candidate for the office of City Councilman in the City of Sacramento; that I can read and write the English language; that in obtaining signatures to the above nomination petition I have observed the provisions of all the laws of the State of California and of the charter of the City of Sacramento that are applicable to the preparation and signing of nomination petitions; that every person signing said petition was fully acquainted with the nature of said instrument; and that each and every person signed his name and address in my presence and expressly affirmed the truth with reference to him of the statements given at the head of this petition.

 Verification Deputy.

Subscribed and sworn to before me this _____
 day of _____ 19_____.

 City Clerk.

Filing of Petition

Sec. 191. Every such petition must be filed with the City Clerk not earlier than forty-five nor later than thirty days before the election. Within seven days after the receipt of such petition, the City Clerk shall ascertain whether or not it satisfies all the prescribed conditions, and if it is found defective shall immediately notify the verification deputy who filed it and allow him three days in which to satisfy the requisite conditions.

Filing of
 petition.

Central Election Board

Sec. 192. Prior to the day of each regular municipal election, the City Council shall appoint a Central Election Board, consisting of the City Clerk, City Controller and three electors of the city, not otherwise in the employ of the city. The City Clerk shall act as Chairman of said Board. Said Board shall appoint sufficient clerical assistance to enable it to adequately transact its business. Said Board shall meet at the City Hall upon the closing of the polls on the day of any regular election, and shall then determine the result of such election in the manner prescribed in this charter, or by ordinance enacted thereunder, and shall certify and deliver its findings to the City Council.

Central
 election
 board.

Precinct Election Board

Sec. 193. The City Council shall appoint four election officers in each precinct; namely, one Inspector, one Judge and two clerks. All of said officers shall be residents and qualified electors of the precincts in which they serve. In case of absence of any member of the Precinct Board at the time for the opening of the polls, the vacancy shall be filled by the members of the Board there present, from persons properly qualified to act. Any elector of the city may administer the oath of office to one of the members of the Precinct Board and said member shall swear in all of the remaining officers.

Precinct
 election
 board.

*City Board of Canvassers*City
board of
canvassers.

Sec. 194. The Council shall constitute the City Board of Canvassers, and they shall meet at the City Hall on the Thursday next succeeding any city election at eight o'clock in the evening of that day, and shall canvass the result of the election. The City Council shall thereupon enter this result upon the official records of the city.

City Clerk to Provide Materials

Supplies.

Sec. 195. Suitable ballot boxes and the necessary supplies and materials for conducting elections shall be provided by the City Clerk.

Cost of Elections

Cost.

Sec. 196. The expense of all elections, except as otherwise provided for in this charter, shall be paid by the city.

*Election Proclamations*Election
proclamations

Sec. 197. Notice of the time and places of holding an election, and of the officers to be elected and the propositions to be voted upon shall, except as otherwise provided in this charter, be given by the City Clerk at least five days before such election, by posting such notices on or near the election place in each precinct, and by publishing a copy thereof in five successive issues of the official newspaper of the city, immediately preceding the date of election. In case of a special election, the notice shall set forth the purpose and object of such special election as fully as is required in the resolution or petition calling the same.

*Sample Ballots*Sample
ballots.

Sec. 198. The City Clerk shall cause to be printed sample ballots identical with the ballots to be used at the election, except as to quality and color of paper, and shall mail a copy of the same to each registered voter at least five days before said election.

*Failure of Person Elected to Qualify*Failure
to qualify.

Sec. 199. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office.

*Polls Open and Close*Polls
open and
close.

Sec. 200. At all elections held under the provisions of this charter, the polls shall be open at six o'clock a. m. and close at six o'clock p. m.

Precincts

Precincts.

Sec. 201. It shall be the duty of the City Council to fix the boundaries of all municipal election precincts at least thirty days before said election.

Duties of County Officers

Sec. 202. It shall be the duty of the Board of Supervisors of the County of Sacramento, when indices of the Great Register are being printed, to provide for the printing of a sufficient number thereof, in addition to the number otherwise required by law, for the general and special municipal elections held or likely to be held in the City of Sacramento; and it shall be the duty of the County Clerk of said county to furnish such indices and affidavits of registration as may be required by the City Council. The County Clerk, when so required, for the purpose of a general or special municipal election, shall furnish to the City Council a supplemental list of all voters who have registered since the time of printing the last index of the Great Register, and shall, at the time of any regular or special municipal election, keep the office of the Registrar of Voters open during the progress of such election.

Duties of
county
officers.

ARTICLE XXII.

FRANCHISES

Property Inalienable

Sec. 203. The title and rights of the city in and to the waterfronts, wharf property, land under water, public land, wharves, docks, streets, highways, levees, drainage system, parks, and all other public places and property, except as otherwise provided in this charter, are hereby declared inalienable.

Property
inalienable.

Must Have a Franchise

Sec. 204. No person, firm, or corporation shall ever exercise any franchise or privilege mentioned in this article, except as and in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution of the United States, or by virtue of existing franchises heretofore granted under preceding charters, in, over, upon, under, or along any street, highway, levee, or other public place in the city, unless under the authority of a grant obtained in accordance with the provisions of this article.

Franchises.

Franchises Must be Granted in Accordance Herewith

Sec. 205. Every franchise, permit, or privilege to construct, maintain, or operate street, suburban, interurban, or steam railroads, or other means of transportation, under, in, upon, over, across, or along any street, highway, alley, levee, or other public place, or to lay pipes or conduits, or to erect poles or wires or other structures in, upon, over, across, or under any street, highway, alley, levee, or other public place in the city for the transmission of gas, electricity, steam, oil, air, or other substance or for any purpose whatever, or for the use of public property, grounds, or places now or hereafter belonging to the city, shall be granted upon the conditions in this article provided.

Conditions.

Superseding Franchise

Superseding
franchise.

Sec. 206. The Council may, upon application of the holder of more than one existing franchise pertaining to the same utility or public service grant a new franchise to such holder, for a term not exceeding thirty-five years, as hereinafter provided, to supersede all of the said existing franchises.

Term of Franchise

Term.

Sec. 207. New franchises and renewals or extensions of existing franchises may be granted for a term of years, but no franchise shall be granted for a term to exceed thirty-five years, provided, however, that no franchise given in renewal or extension of an existing franchise of the applicant shall be for a longer period than the life of the franchise having the longest period yet to run held by the applicant for the same utility or public service; and no new franchise granted such applicant except a superseding franchise shall run beyond the end of the term of the longest existing franchise held by the applicant at the time said new franchise is granted.

Termination of Franchise

Termination.

Sec. 208. The term of a franchise shall expire at the end of the period prescribed for it to run, which shall in no case exceed thirty-five years from the grant thereof. Any franchise may be forfeited at any time within the term for which it was granted for a wilful breach of a material term or condition thereof, or the holder thereof may, with the consent of the city, surrender the franchise. During the term of any franchise, the city shall have the right at any time to purchase the property of the holder thereof as hereinafter provided. Upon the expiration or other termination of the corporate life of a corporation, any franchise held by it may, at the option of the city, be cancelled and terminated.

Percentage of Receipts Required

Percentage
of receipts
required.

Sec. 209. No franchise for the operation of a street railway shall be granted, except upon condition that at least two per cent. of the gross annual receipts derived from the use of such franchise shall be paid to the City. If such franchise be a new one, the payment of such percentage shall not be required of the grantee during the first five years of the existence of such franchise, but if the franchise be a superseding franchise, or one granted in renewal of an existing franchise, said percentage shall be computed from the granting of the franchise and be paid to the City annually thereafter.

Application for Certain Franchises

Application
for certain
franchises.

Sec. 210. An applicant for a franchise, permit or privilege (except for interurban, steam, or commercial railways) shall file an application with the City Council wherein shall be

clearly and distinctly stated the following facts, in so far as the same may be applicable to the particular franchise, permit, or privilege sought:

(a) The name of the applicant. If a corporation, a certified copy of its articles of incorporation and of its by-laws shall accompany the application.

(b) The purpose for which such franchise, permit, or privilege is desired, and if for transportation purposes, the kind of road, if any, which it is proposed to construct, and the kind of vehicles, and the motive power to be used.

(c) The precise route to be followed, stating the points between which or at which all streets, highways, alleys, levees, or other public places (naming them) are to be traversed, intersected, or crossed, and the kind, nature, location, and position of all structures which are to be maintained under such franchise, if granted. If the proposed franchise, permit, or privilege be for transmission of gas, electricity, or other substances for light, heat, power, or telephone or telegraph service to be furnished the inhabitants of the city, or any portion thereof, the application need not state the precise route to be followed or the location and position of all structures, but must describe accurately and clearly the exact portion of the city to be served, unless the whole city is to be served.

(d) The term for which such franchise is desired.

(e) The estimated cost of construction of the works authorized by such franchise.

(f) The sum or sums of money or the percentage of the gross or net receipts which the applicant is willing to pay to the City for the use, operation, or possession of such franchise provided, that if the franchise sought is for street railway purposes, the application shall show the percentage of the gross receipts, not to be less than two (2) per cent., which the applicant is willing to pay to the City for such franchise.

(g) Whether or not the City shall have the right at any specified time, to take over, without compensation to the grantee, the property and plant of the grantee.

(h) Such other and additional information or data as the City Council may prescribe.

Application for Superseding Franchise

Sec. 211. If the applicant be the holder of more than one franchise for the same utility or public service, and desires a new franchise to supersede all of his said existing franchises, the application must show: Application for superseding franchise.

(a) The facts required by subdivisions (a) (f) (g) and (h) of Section 210, and in addition, thereto, the following:

(b) All existing franchises in the city, held by applicant, pertaining to the same utility, or public service, and the terms, conditions and agreements thereof. Copies of the ordinances granting such franchises need not be set out at length, but the general substance thereof must be clearly stated, together with

accurate references to such franchises by date and number, if numbered.

(c) That the applicant is desirous of surrendering its existing franchises in return for a new franchise superseding them all.

Application for Franchise for Commercial Railways

Application
for
franchise
for com-
mercial
railways.

Sec. 212. An applicant for a franchise, permit, or privilege involving the use of any portion of any street, highway, alley, levee, or other public place (except as hereinafter provided) in the maintenance and operation of any interurban, steam, or commercial railway shall file with the City Council an application wherein shall be clearly stated the following:

(a) The facts required by subdivisions (a) (e) (h) of Section 210 and in addition thereto the following:

(b) The kind of road which it is proposed to construct and the kind of vehicles and the motive power to be used.

(c) The precise route to be followed, stating the points between which or at which all streets, highways, alleys, levees, or other public places (naming them) are to be traversed, intersected, or crossed.

(d) The location and position of all structures which are to be maintained under such franchise, if granted.

(e) The compensation, if any, which the applicant is willing to pay for the franchise.

Hearing and Bidding

Hearing
and
bidding.

Sec. 213. Upon the receipt of an application for any franchise, the City Council, if it be disposed to grant the same, must require the applicant to deposit with the City Treasurer, either in cash or by certified check payable to the city, a specified sum not less than two hundred and fifty dollars (\$250.00) nor more than two thousand (\$2000.00), as a guaranty of the good faith of the applicant and as a fund out of which to pay all expenses incurred by the City, connected with such application, including the cost of publication in the event that the franchise, permit, or privilege is awarded applicant or be not awarded at all. Upon the making of such deposit, the City Council shall fix a time (not less than thirty, nor more than sixty days from the date of the order fixing the same) and place for a public hearing of the said application, and shall publish for ten consecutive days (Sundays and Legal Holidays excepted), a notice in the official organ of the city setting forth the making of such application, the date therein contained, the time and place fixed for a public hearing thereon and, if the application be not by a holder of existing franchises seeking a superseding or renewal franchise, or by a person, firm, or corporation desiring a franchise for an interurban, steam, or commercial railroad, that at the time of the hearing or at any time prior thereto, any person, having made the necessary deposit, may submit an offer or bid or offers or bids in writing

for the said franchise upon terms which he deems of better advantage to the city than the terms of the said application. An affidavit in proper form establishing the fact of such publication must be filed with the City clerk prior to the date set for the hearing. If the application be not for a superseding or renewal franchise, or for a franchise, permit, or privilege for an interurban, steam, or commercial railway, any person may, at the time of the hearing, or at any time prior thereto, file with the Clerk a bid or offer in writing for said franchise, upon the same terms set forth in the said application. Each bidder must, before making the bid or offer, deposit with the City Treasurer in cash or by a certified check, a sum of money equal to that deposited by the applicant, as aforesaid, as a guarantee of the good faith of the bidder and as a fund out of which to pay all expenses incurred by the city in connection with the application, including the cost of publication, in the event that the franchise be awarded such bidder. Upon the franchise, permit, or privilege being awarded, all deposits by unsuccessful bidders, or by the applicant, if the franchise be awarded to some other person, shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of the deposit, after the payment therefrom of the expenses incurred by the city in connection with the advertising and warding of such franchise, permit, or privilege, shall be returned.

Granting of Franchise

Sec. 214. At the appointed time, the City Council shall proceed to hear and consider such application and all remonstrances and protests, if any, against the granting of such franchise, and all bids and offers submitted, as aforesaid. If, in the judgment of the City Council, no sufficient reason appears why the permit, or franchise requested should not be granted, it may, within sixty days after said hearing, grant to the applicant, or if the application be not for a superseding or renewal franchise, or be not for an interurban, steam, or commercial railway, to any bidder, a franchise in conformity with the terms of the application or any bid, or such modification thereof as the City Council shall deem to be for the public interest, and upon the terms and conditions of this article applicable thereto, or the Council may deny the franchise, or, if the franchise be one for which bids may be made, may re-advertise for offers or bids. All grants of franchises, shall be made by ordinance and no such ordinance shall be an emergency ordinance, nor go into effect within sixty days from the date of the passage thereof, during which time it shall be subject to the referendum provisions of this charter. Such ordinance must, within ten days after passage by the Council, be published at least once in the official organ of the city.

Granting of franchise.

Bond of Successful Bidder

Bond of
successful
bidder.

Sec. 215. The applicant, or person to whom any franchise, permit, or privilege is granted under this article, shall, within ten days after the passage of the ordinance granting the same, file a bond running to the city, to be approved by the City Council, in the penal sum prescribed by the City Council, and set forth in the advertisement for bids, condition that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit, or privilege, and that in the event that a breach is made in such conditions of the franchise, permit, or privilege, the whole amount of the penal sum therein named shall be forfeited to the city. In case such bond shall not be filed, the grant of such franchise, permit, or privilege shall be set aside and any money deposited in connection with the awarding of such franchise, permit, or privilege shall be forfeited, and the franchise, permit, or privilege may, in the discretion of the City Council, be re-advertised, as hereinbefore provided. The terms of all franchises superseded by a superseding franchise shall end if and as soon as the ordinance granting the superseding franchise shall go into effect.

Auditing Books

Auditing
books.

Sec. 216. The City Council, by and through such officer of the city as the City Council may designate, or such Qualified Public Accountant as the City Council may employ for that purpose, shall have the right at all reasonable times to examine all books, vouchers, and records of any person, firm, or corporation exercising or enjoying any franchise, permit, or privilege granted by the city for the purpose of verifying any of the statements or reports required, and for any other purpose whatever connected with the duties or privileges of the person, firm, or corporation, arising from said charter or from the ordinance granting the franchise, permit, or privilege, and may audit the same at such times as the City Council may determine.

Location and Dimensions of Structures

Location
and
dimensions
of
structures.

Sec. 217. Every ordinance granting a franchise, permit, or privilege, shall, except a franchise for the transmission of gas, electricity, or other substances for light, heat, power, telephone, or telegraph service, to be furnished the inhabitants of the city or of any portion thereof, specify the location and position of all work to be done thereunder, the kind of rails to be used, if any, and the manner of laying the same, the precise location and dimensions of all buildings, wharves, docks, landings, conduits, tunnels, pipe lines, poles, tanks, wires, and all other structures, and the materials to be used and the method of constructing or bracing the same, and every such ordinance shall reserve to the Council the power to require changes of material, location, or method of construction or bracing whenever in its judgment such changes may be necessary for the public safety or convenience. An ordinance granting a franchise, permit, or privilege

for the transmission of gas, or telegraph service, to be furnished the inhabitants of the city or any part thereof, shall specify the exact geographical part of the city to be served unless the whole city is to be served.

Construction to be Approved by City Manager

Sec. 218. No work shall be commenced under the provisions of any franchise, permit, or privilege, in, upon, over, across, along, or under any street, highway, alley, levee, or other public place within the city unless and until the plans and specifications therefor shall have been filed with and approved by the City Manager nor unless and until suitable maps showing the precise location, in, upon, over, across, along, or under any street, highway, alley, levee, or other public place within the city, of all tracks, conduits, tunnels, towers, pipes, poles, or other structures, and of all wires attached thereto, which such grantee proposes to lay down, erect, construct, maintain, equip, and operate, shall be filed with the City Manager. Such maps must be filed before any work of construction shall be commenced and when filed shall, together with the plans and specification, be retained in the office of the City Clerk as public records thereof, and shall be open to the inspection of the public at all times during office hours. No conduits, tunnels, towers, pipes, poles, wires, or other structures for the transmission of gas, electricity, or other substance for light, heat, power, or telephone or telegraph service to be furnished to the inhabitants of the city or any portion thereof, shall be laid down, erected, constructed, or maintained in, upon, over, across, along, or under any street, highway, alley, levee, or other public place unless the precise location of all said conduits, tunnels, towers, pipes, poles, wires, or other structures be first approved by the City Manager. The City Manager shall not approve any plans or specifications for the location of any structure submitted by the grantee of any such franchise, permit, or privilege unless the same are found to be in conformity with the provisions of the ordinance making such grant.

Construction to be approved by city manager.

Time of Commencement and Completion of Work

Sec. 219. Construction work under any such franchise, permit, or privilege granted in accordance with the terms of this article shall be commenced in good faith within the time specified in the ordinance granting the same, or if no time be specified, then within four months from the taking effect of the ordinance granting such franchise, permit, or privilege, and if not so commenced within said time said franchise, permit, or privilege shall be forfeited. Work under any franchise, permit or privilege shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit, or privilege, or if no time be fixed, then within three years after the date of the taking effect of the ordinance granting the franchise, permit, or privilege, and if not so completed within said

Time of commencement and completion of work.

time, said franchise, permit, or privilege may be forfeited; provided, however, that should the prosecution of the said work, or any part thereof, be enjoined by any court or other tribunal of competent jurisdiction, the time during which the injunction remains in force shall not be included in determining the period hereinbefore limited for the completion of such work.

Permit to Disturb Street

Permit to disturb street.

Sec. 220. Digging holes, trenches, ditches, or making openings or excavations of any kind for any purpose in any street, highway, alley, or other public place by any person, firm, or corporation is prohibited, except on application to and permit granted by the City Engineer, who shall have authority to prescribe how much work shall be done, how the holes, trenches, ditches, and openings shall be filled or back filled, when said work may be commenced and finished, and in the event that same is not finished or completed within a reasonable time, the City Engineer shall have authority, after ten days' written notice, to complete such work at the expense of the person, firm, or corporation responsible.

Restoration Bond

Restoration bond.

Sec. 221. No such application shall be granted before the applicant has filed with the City Clerk a bond or cash deposit in a sum satisfactory to the City Manager that such street, highway, alley, levee, or other public place shall be restored to a condition equal to or better than the condition it was in before such opening was made. Applicants for such permits may file one bond to cover all such work during a year if desired, in such amount as the City Manager shall deem necessary.

Police Regulations

Police regulations.

Sec. 222. The grant of every franchise, permit, or privilege shall be subject to the right of the city, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner, the safety, welfare, and accommodation of the public, including among other things, the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and, except where such matters are controlled by the State, the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient, and proper service and accommodations for the people and insure their comfort and convenience.

Rates and Charges

Rates and charges.

Sec. 223. The grant of any franchise, permit, or privilege shall be subject to the right of the city, whether or not reserved in such grant, to prescribe and regulate rates, fares, exchange

of transfers, rentals, or charges to be made by the grantee for the service rendered under such franchise, permit, or privilege, except when such matters are regulated by State or Federal authorities. The grant of any franchise, permit, or privilege for a street railway or a suburban railroad shall provide that all United States mail carriers while in uniform and all policemen and firemen of the city while in the actual discharge of their duties shall be allowed to ride in and on all cars of such railroad within the boundaries of the city without paying fare therefor and with all the rights of other passengers, and that children going to or from school shall ride at not more than one-half of the regular fare.

Efficiency of Service

Sec. 224. Every ordinance granting any franchise, permit, or privilege shall expressly provide for the maintenance of the plant and fixtures to be constructed thereunder at the highest practical standard of efficiency at all times, and shall further provide that a wilful failure and neglect of the grantee after reasonable notice to observe all the requirements of such including the standards of efficiency and service prescribed by the City Council, shall be a ground for the forfeiture of such franchise, and of all rights, privileges, and benefits accruing to the grantee thereunder or, at the election of the City, for such action as may be appropriate for the enforcement thereof.

Efficiency
of service.

Right of the City to Purchase

Sec. 225. Every ordinance granting a franchise, permit, or privilege, except for an interurban, steam, or commercial railway, shall reserve to the city the right to purchase, or to find a purchaser for, the property of the holder thereof, used and useful in exercising the same, either at an agreed price fixed in the franchise or in the event no price is so fixed then at a price to be determined by the Railroad Commission of the State of California or its successor; or on failure or refusal of such Commission or its successor to act, then by three appraisers, one appointed by the holder of the franchise, permit, or privilege, one by the Council and the third by the two so appointed. The cost of such appraisal shall be borne by the city. The price of the property shall be fixed as near as may be in accordance with the then existing rules of the Railroad Commission of the State of California, or its successors; but in no event shall the value of the franchise itself be included in said price. The Council may, by ordinance, authorize any person, firm, or corporation wishing to purchase the said property to purchase the same and thereupon the holder of said franchise, permit, or privilege shall, upon the payment by the said purchaser, within six calendar months from and after such authorization, of the price fixed in said ordinance granting the said franchise, permit, or privilege, or of the price so determined by the Railroad Commission of the State of Cali-

Right of
city to
purchase.

fornia or by its successors, or by the said appraisers, as aforesaid, sell and convey said franchise, permit, or privilege and the property used and useful in the exercise thereof to the said purchasers. If the price so fixed or the price fixed in the ordinance granting the said franchise, permit, or privilege, be deemed satisfactory to the Council, it may, by ordinance, purchase the said property for the city in accordance with the provisions of this charter, and upon the payment of the purchase price, the right of the city to purchase said property shall be deemed exercised and the purchase completed and the franchise, permit, or privilege, if still alive, shall terminate and the property so purchased by the city shall become the property of the city; provided, however, that no ordinance providing for the purchase of any such property by the city, at any price whatsoever, shall take effect within sixty days after its passage, during which period it shall be subject to the referendum provisions of this charter. Nothing in this charter contained shall be construed to obligate the city to purchase any property of the holder of any franchise, permit, or privilege.

Property May Vest in City

Property
may vest
in city.

Sec. 226. It may be provided in the ordinance granting any franchise, permit, or privilege, that the property and plant of the grantee shall, at the expiration of the period for which such franchise, permit, or privilege is granted, become the property of the city without compensation to the grantee.

Lease and Assignment of Franchise

Lease and
assignment
of
franchise.

Sec. 227. No franchise, permit, or privilege granted by the city, except for an interurban, steam, or commercial railway, shall be sold, leased, or assigned or otherwise alienated without the express consent of the city, given by ordinance, and no dealings on the part of the city with the purchaser, lessee, or assignee, to require the performance of any act or payment of any compensation by such purchaser, lessee, or assignee, shall be deemed to operate as such consent; provided, that nothing herein shall be construed to prevent the grantee from the city of such franchise, permit, or privilege from including it in a mortgage or deed of trust, executed for the purpose of obtaining money for corporate objects.

Street Sprinkling, Cleaning, and Paving

Street
sprinkling,
cleaning,
and paving.

Sec. 228. Every grant of any franchise, permit, or privilege in, over, under, or along any of the streets, highways, levees, or other public places in the City for railway purposes, shall be subject to the conditions that the person, firm, or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, pave and repave, or macadamize and remacadamize so much of said street, highway, levee, or other public place as may be occupied by the track or tracks of such railway

or railroad, and for a distance of two feet beyond the outer rails thereof, so as to make the same conform to the balance of the street, provided, however, that the City shall bear the expense of removing or replacing any paving when the removal or replacing thereof is caused by a change of the street grade established before the original laying of the tracks. All such street repairs and improvements must be done with such materials at such time and in such manner as the City Council may prescribe, and must be done under the supervision of, and completed to the satisfaction of the City Engineer.

Fire and Police Alarm Wires

Sec. 229. Every grant of any franchise, permit, or privilege authorizing the grantee to use any street, highway, alley, levee, or other public place of the City for the purpose of constructing, erecting, laying down, and maintaining any poles, towers, or other structures above the surface, for the carriage of wires, shall contain the condition that the City shall have the right to use such poles, towers, or other structures, without cost, for the carriage of the police and fire alarm wires of the City, and the further right to attach its call boxes to any of such poles or towers. All poles, towers, or other structures above the surface of the ground shall be plainly numbered and marked with the name of the owner thereof, and shall be placed at such intervals and painted with such colors and at such times as the City Council may prescribe.

Levees

Sec. 230. In any grant of any franchise authorizing any railroad track to be laid down, maintained, or operated, or used for the storage of cars, upon any levee owned, built and maintained by the City of Sacramento. it must be inserted as a condition thereof that the grantee will, whenever required by the City authorities at its own cost and expense, raise so much of said levee or levees as may be occupied by its tracks or track and for a distance of two feet beyond the outer rails thereof, on each side, to the height and grade prescribed by the City, and as nearly as may be practicable all of such work shall be done simultaneously with the work done upon the remainder of such levee or levees by the City, and with the same kind of materials.

Joint Use of Franchise

Sec. 231. Every franchise hereafter granted to any applicant for an interurban, steam, or commercial railway shall, in express terms, require the grantee thereof to permit any other steam or interurban railroad or railway now doing business in the City, or that may hereafter desire to enter the City, to make joint use with the grantee of all tracks that may be laid in, on, under, over or upon any street, highway, alley, levee, or other public place within the City for the purpose

of entering, passing through and leaving the City, upon paying or tendering to the grantee a fair proportion of the cost of construction and maintenance of the track or tracks so used.

Joint Use of Bridges

Joint use
of bridges.

Sec. 232. In the event that any such franchise is granted authorizing the use of any street, highway, alley, levee, or other public place within the City for the purpose of constructing, maintaining, and operating any track or tracks leading to any bridge or bridges across the Sacramento River or the American River, the grantee thereof must also agree, as a condition of such grant to permit any and all such other roads to use such bridge or bridges for the transportation of trains, locomotives, cars, and other rolling stock, upon being paid a fair proportion of the cost of construction and operation of such bridge or bridges and of the maintenance thereof while so used by such road or roads.

Switching

Switching.

Sec. 233. Every such franchise shall be granted upon the further condition that any steam or interurban railroad now doing business within the City or that may hereafter enter the City, shall have the right to have its cars delivered to and returned from any warehouse, switch, terminal, spur track, wharf, manufacturing establishment, or other place within the City used for loading and unloading cars and reached by any track or tracks of such grantee, without delay, discrimination, or favoritism of any kind, upon payment of a just and reasonable charge therefor, and until, or unless such switching charges are established and fixed by Federal or State authority, the City Council shall have the right to fix and prescribe the charges to be exacted for all such service.

Wharves

Wharves.

Sec. 234. No exclusive franchise for the construction of any wharf abutting upon or adjoining any part of any street, highway, alley, levee, or other public place within the City, shall ever be granted under any circumstances, but all ordinances making such grants shall expressly provide that the grantee thereof must allow the use of any and all facilities for the loading and unloading of boats and vessels of all descriptions whenever feasible, by any person or vessels desiring the same, irrespective of ownership, upon payment to the grantee of such compensation as may be fixed by the City Council for the use of any and all such facilities. Every ordinance making such grant shall expressly reserve to the City the right to prescribe and change the rates of dockage, wharfage, elevator dues and transit levee dues upon all vessels and commodities and to provide for the collection thereof.

Leases by Franchise

Leases by
franchise.

Sec. 235. Leases of any waterfronts, wharf property, land under water, wharves, docks and all public utilities now belong-

ing to the City or hereafter acquired by the City shall not be made except by franchise granted subject to the requirements of this charter nor for a longer period than ten years.

Other Conditions of Franchise

Sec. 236. Nothing in this charter shall be construed as prohibiting the City Council from inserting in any ordinance granting any franchise, permit, or privilege such other conditions and requirements, not inconsistent with the provisions of this charter, as the City Council may desire to be inserted therein, or the people may, by the initiative, indicate their desire to have inserted.

Permits for Switches and Spur Tracks

Sec. 237. The City Council shall have the right, after such procedure and upon such terms and conditions as it may deem proper, to grant permits for the construction, maintenance, and operation of commercial or industrial switches, side tracks, or spur tracks, on, upon, along, through, and across any street, highway, alley, levee, or other public place to connect with the tracks of the holder of any franchise for interurban, steam, or commercial railways, and the provisions of sections 206, 207, 208, 210, 211, 212, 213, 214, 215, 219, 225, 226, 227, 234, and 235 in this article shall not apply to such permits. All such permits shall be revocable at any time by the Council.

Records of Ordinances Granting Franchises

Sec. 238. The City Council shall cause the complete text of all franchises, permits, and privileges of any kind made under the provisions of this charter, to be copied into a book or record, which shall be kept in the office of the City Clerk. All annual or other reports and statements of every kind required to be filed under the provisions of this article shall likewise be copied into such book and record, together with certified copies of all judgments or decrees affecting the same, and such other data as the City Council may from time to time prescribe. The books shall be properly indexed and shall be open to the inspection of the public at all times during office hours.

ARTICLE XXIII.

INITIATIVE AND REFERENDUM

How Invoked

Sec. 239. The submission to the vote of the people of any proposed ordinance, or of any ordinance enacted by the City Council and which has not yet gone into effect, may be accomplished by the presentation of a petition therefor to the City Council in the manner hereinafter provided. Any ten qualified electors of the City of Sacramento may originate a petition putting in operation the Initiative or the Referendum, by

signing such petition at the office of the City Clerk. Whenever requested by ten such electors, the City Clerk shall prepare the proper petition with a copy of the ordinance to be submitted attached thereto and upon its being signed by said ten electors, the City Clerk shall file the petition and shall, during office hours for thirty days thereafter, keep the same open for signature by qualified electors of the city, and no such petition shall be signed or presented for signature at any place other than the Clerk's office. At the expiration of said thirty days, the City Clerk shall declare the petition closed and shall, at the first regular meeting of the City Council thereafter, present to that body the petition with verification of the number of valid signatures thereto attached. If the number of valid signatures to said petition shall amount to five hundred or more, the City Council shall immediately take the necessary steps to submit to the voters of the city, the question proposed in said petition; provided that in the case of the referendum the entire repeal of the ordinance sought to be referred, and in the case of the initiative, the passage by the City Council of the desired ordinance, shall put an end to all proceedings under said petition.

FORM OF PETITION

Form of petition.

Sec. 240. The petition used to originate the Initiative or the Referendum shall be substantially in the following form:

Petition to the City Council

For the Submission to the People of the Question

Shall the proposed ordinance, a copy of which is hereunto attached, be adopted?

We, the undersigned, under oath, depose and say: That we are duly qualified electors of the City of Sacramento, residing respectively at the addresses placed opposite our names, and we hereby petition the City Council to submit the foregoing question to the voters of the City of Sacramento at the next regular municipal election (or at a special election).

Names	Residences	Date
-----	-----	-----
-----	-----	-----
-----	-----	-----

I, ----- the City Clerk (or Deputy City Clerk) of the City of Sacramento do solemnly affirm that I witnessed the signing of each of the above signatures and that, at the time of said signing, I made certain that the person affixing his name thereto had reasonable knowledge of the purpose of the petition.

 City Clerk
 (or Deputy City Clerk)

Date-----

Effect of Referendum Petition

Sec. 241. Whenever there has been originated as aforesaid, a petition for the reference to the people of any ordinance passed by the City Council, which ordinance has not yet gone into effect, the same shall be suspended from going into operation until it has been submitted to a vote of the people and has received the affirmative vote of a majority of the electors voting on said question. Effect of referendum petition.

Time of Election

Sec. 242. Within ten days after an Initiative or Referendum petition with the required number of valid signatures is presented by the City Clerk, the City Council shall set a time for the holding of a special election at which the proposed or the suspended ordinance shall be submitted to the voters of the city, which special election shall be held not less than thirty nor more than sixty days after such presentation; provided, that if a petition shall be so presented within four months next preceding a regular municipal election, no special election shall be called, but the question shall be submitted at said regular election. Time of election.

Publication of Ordinance

Sec. 243. Whenever any ordinance or proposition is required by the provisions of this charter to be submitted to the voters of the City at any election, the City Council must order one publication of the complete text thereof to be made in the official newspaper of the city, such publication to be made not less than ten days nor more than fifteen days prior to the election, or in lieu of such publication, the City Council may cause the ordinance or proposition to be printed and mailed with a sample ballot to each voter at least five days prior to the election. Publication of ordinance.

Form of Ballot

Sec. 244. The ballots used when voting upon such proposed ordinance shall set forth the title thereof in full and state its general nature, and shall contain the words: "For the Ordinance" and "Against the Ordinance." Form of ballot.

Result of Election

Sec. 245. If a majority of the qualified electors voting on said proposed initiative ordinance or said referred ordinance shall vote in favor thereof, such ordinance shall take effect five days after the declaration of the official canvass of the return of such election. Result of election.

Conflicting Ordinances

Sec. 246. Any number of proposed or referred ordinances may be voted upon at the same election. In the event that two or more ordinances adopted at the same election shall contain conflicting provisions, the ordinance or proposition receiving Conflicting ordinances.

the highest number of votes at such election shall be paramount and all question of construction shall be determined accordingly.

Order Upon the Ballot

Order
upon ballot.

Sec. 247. In the event that two or more ordinances are submitted at the same election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the City Council on its own initiative.

Repeal of Popular Ordinances

Repeal of
popular
ordinances.

Sec. 248. The City Council may submit, on its own initiative, a proposition for the enactment, repeal, or amendment of any ordinance (except as herein otherwise provided) to be voted upon at any municipal election and should such proposition receive a majority of the votes cast thereon at any election, such ordinance shall be enacted, repealed, or amended accordingly. An ordinance proposed by petition or adopted by a vote of the people shall not be repealed or amended except by a vote of the people, unless such ordinance shall otherwise expressly provide.

Further Regulations

Further
regulations.

Sec. 249. The City Council must, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

Recall

Recall.

Sec. 250. Every incumbent of an elective office in the City of Sacramento, whether elected by popular vote or appointed to fill a vacancy, may be recalled in the manner prescribed by any law of the State of California now or hereafter in force providing for the recall of elective officers in cities and towns.

ARTICLE XXIV.

PUBLIC CONTRACTS AND SUPPLIES

Letting of Certain Contracts

Public
contracts
and
supplies.

Sec. 251. The erection, improvement and repair of all public buildings and works, all street and sewer work (not payable by special assessment on the private property benefited) and all work in or about streams or water fronts, or in or about embankments or other works for protection against overflow or erosion, and the furnishing of supplies and materials for the same, or for any other use by the city, or the purchase of any supplies to be used by the city, when the expenditures required for the same equals or exceeds the sum of five hundred dollars (\$500.00) shall be done by contract in writing and shall be let to the lowest responsible bidder after advertis-

ing for five consecutive days in the official newspaper for sealed proposals for the work contemplated, or supplies to be furnished, except in cases of emergency as hereinafter provided. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; provided, however, the Council may reject any and all bids if deemed excessive, and in that event, or in the event that no bids are made, may re-advertise for bids, or provide for the work to be done by the city, or for the supplies to be purchased in the open market, but in no case shall supplies be bought at a price as high as the lowest bid received from a responsible bidder. No prison-made supplies shall be purchased by the city unless supplies of a similar character are not obtainable elsewhere. Notwithstanding the provisions of this section it shall be competent for the City Council, by ordinance, to direct any work to be done by the City without first advertising for bids, if such course be recommended by the City Manager.

Furnishing of Plans Open to Competition

Sec. 252. The furnishing of plans, drawings or specifications for any proposed public building or works to cost over two thousand five hundred dollars, (\$2,500.00) shall, if not prepared or furnished by the proper city employes, be thrown open to competition in accordance with such rules as the Council may prescribe.

Furnishing
plans.

Form, Execution, and Contents of Contracts

Sec. 253. All contracts shall be executed in triplicate and approved as to form by the City Attorney. One copy of every contract with the specifications and drawings, if any, of the work to be done or the materials to be furnished, or both, as the case may be, shall be filed with the City Clerk, one copy with the specifications and drawings shall be kept in the office of the City Manager, and the remaining copy with the specifications and drawings shall be delivered to the contractor. All contracts shall be signed on behalf of the city by the Mayor and attested by the City Clerk. The contract shall specify the time within which the work shall be commenced or the supplies delivered and when said work or said delivery shall be completed, as was specified in the notice inviting proposals therefor. The Council may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally fixed for its completion except by the affirmative votes of at least six Councilmen. In case of failure on the part of the contractor to complete the contract within the time fixed in the contract, or within such extension of said time, as herein provided for, the contract shall be by that fact terminated and the Council shall not thereafter pay or allow him any further compensation for any work done by him under said contract, and the Council may proceed to complete such contract either

Form,
execution,
and contents
of contracts.

by reletting or otherwise, and the contractor and his bondsmen shall be liable to the City for all loss or damages which it may suffer on account of his failure to complete his contract within such time.

Progressive Payments

Progressive
payments.

Sec. 254. Any contract may provide for progressive payments if, in the ordinance or resolution authorizing or ordering the work, permission is given for such payments. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent. of the value of the labor done and the materials used up to that time, and no contract shall provide for, or authorize, or permit the payment of more than seventy-five per cent. of the contract price before the completion of the work done under said contract and the acceptance thereof by the City Manager.

Controller's Endorsement on Contracts

Controller's
endorse-
ment.

Sec. 255. No contract made, the performance of which is not provided by law or ordinance to be paid by assessment upon the property benefiting thereby, shall be binding or of any force, unless the Controller shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation for and applicable thereto, sufficient to pay the estimated expense of fulfilling such contract, or that adequate provision therefor has been made in the tax levy. This provision shall not apply to work done, or supplies furnished involving expenditures of less than five hundred dollars (\$500.00), unless the same is required by law to be done by contract at public letting. The Controller shall make such endorsement upon every contract so presented to him if there remains unapplied and unexpended such amount, or if adequate provision therefor has been made in the tax levy, and thereafter such sum shall be held and retained to pay expenses incurred until the contract shall be fully performed.

Form of Bids and Affidavit. Certified Check

Bids.

Sec. 256. All proposals shall be made upon printed forms to be prepared by the city and furnished gratuitously upon application, with the form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine and not sham or collusive, or made in the interest or behalf of any person not named therein, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid or any person, firm, or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over any other

bidder. Any bid made without such affidavit or in violation thereof, and also any contract let thereunder shall be absolutely void. All bids shall be clearly and distinctly written without erasure or interlineation and no bid containing any erasure or interlineation shall be received or considered by the Council. Every bid offered shall be accompanied by a check certified by a responsible bank, payable to the order of the City Controller for an amount not less than five per cent. of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check.

No Bidder Interested in More Than One Bid

Sec. 257. No person, firm, or corporation shall be allowed to make or file or be interested in more than one bid for the same work or for furnishing the same materials, unless alternative bids be called for, and if, on the opening of said bids, more than one bid appear in which the same person, firm, or corporation is interested, all such bids shall be rejected, except as above provided.

Interest
only in
one bid.

Bidding For and Awarding of Contracts

Sec. 258. On the day and within the hour specified in said notice inviting sealed proposals, all bids must be filed with the City Clerk who shall not open or tamper with them, or permit the same to be opened or tampered with or inspected by any person whatsoever, or permit the same to leave his possession, or give any information whatsoever relative thereto until the same shall be opened and read to the Council, as hereinafter provided. No bid not so delivered to the City Clerk shall be considered. Each bid as it is received shall be numbered and marked "Filed" by the City Clerk, and authenticated by his signature. During the meeting on said date, the Council shall, in open session, open, examine, and publicly declare the bids, and an abstract of each bid shall be recorded in the minutes of the Council by the City Clerk. The Council shall at any time within twenty days thereafter award the contract to the lowest and best regular responsible bidder, unless otherwise in this charter provided. Notice of such award shall forthwith be posted conspicuously for five days by the City Clerk on a bulletin board at or near the assembly room of the Council. The Council may reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest and best regular bid, and, on accepting such lowest and best bid, shall thereupon return to the proper party the checks accompanying the bids so rejected. If all the bids are rejected, the Council shall return all the checks to the proper parties and may again invite sealed proposals as in the first instance. The check accompanying the accepted bid shall be delivered by the City Clerk to the City Controller who shall immediately cash the same and pay the proceeds thereof into the Special Deposit

Awarding
of contracts.

Fund of the City. When the contract for doing said work or furnishing said supplies has been duly entered into and the bond accompanying the same has been duly approved and filed, the City Clerk shall certify said facts by voucher to the City Controller who shall draw his warrants upon the Special Deposit Fund for the return to the contractor of the proceeds of said check. If the bidder fails or refuses to enter into the contract to do said work or furnish said supplies or to furnish the required bond, then the proceeds of said certified check shall be forfeited to the city and shall be thereupon transferred from said Special Deposit Fund to the General Fund. The Council shall not have the power to relieve from or to remit such forfeiture.

Collusion, Void Contract

Collusion,
void
contract.

Sec. 259. If at any time it shall be found that the person, firm, or corporation to whom a contract has been awarded has, in presenting any bid or bids colluded with any other party or parties, then the contract so awarded, shall, if the City so elect, be null and void and the contractor and his bondsmen shall be liable to the City for all loss or damage which the City may suffer thereby. In that event the Council may advertise anew for bids for said work or supplies.

Contract Bond

Contract
bond.

Sec. 260. At the same time with the execution of the contract, the contractor shall execute to the city and deliver to the Controller a bond in the form named in the notice for proposals, conditioned for the faithful performance of the contract with sureties to be approved by the Controller, or shall deposit with the Controller a certified check upon some solvent bank for the amount of said bond.

Contracts for Official Advertising

Contracts
for official
advertising.

Sec. 261. Except as in this charter otherwise provided, the Council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The Council shall let the contracts for such official advertising to the lowest and best responsible bidder publishing a daily newspaper in the City of Sacramento which is a newspaper of general circulation, having a bona fide general circulation of at least two thousand (2,000) copies, and which newspaper has been published in said city for two successive years prior to the time of awarding the contract, provided, that the Council may reject any or all bids if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the official newspaper. Except when otherwise provided in

this charter, or by general law, all official publications made by the city shall be made in the official newspaper only.

Rates of Advertising

Sec. 262. All election notices, or lists of candidates for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this charter, by general law or by any ordinance of the City, to be made in any newspaper, and all such publications for which the City of Sacramento may be liable, shall be paid for by the City at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers. No bills shall be paid by the City for such advertising or printing in excess of the lowest prevailing business rates.

Lighting Contracts

Sec. 263. No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than five years, and every contract shall contain a stipulation providing that, if at any time during the life of the contract, any other consumer is given a lower or better rate than the one specified in the contract, the City shall be entitled to such lower or better rate. All contracts must be let to the lowest and best bidder.

ARTICLE XXV.

MISCELLANEOUS

E. B. Crocker Art Gallery

Sec. 264. The Art Gallery presented to the City of Sacramento by Margaret E. Crocker shall always be known as the "E. B. Crocker Art Gallery," and shall be held, maintained and conducted by the City of Sacramento, according to the provisions of the deed presenting said Art Gallery to the City, executed by Margaret E. Crocker, dated May 2nd, 1885, and recorded in Book 115, page 298, of Deeds, in the Recorder's office of the County of Sacramento, State of California, and the Mayor is hereby declared to be the chief executive officer of the City in the sense and for the purpose of the trust created by the above deed; provided, that should the terms and conditions of such tenure ever be altered, the City Council shall provide means, financial and administrative, to conduct and maintain the same in accord with such altered tenure.

Ann Land Memorial Fund

Sec. 265. The "Ann Land Memorial Fund," the bequest of the late William Land, former mayor of the City of Sacramento, shall be administered by the City Council, which may, by ordinance create a commission to administer such fund.

*William Land Park Fund*William
Land
park fund.

Sec. 266. The money bequeathed to the City of Sacramento by the late William Land, former mayor of Sacramento "to purchase a public park within suitable distance of said city," to be known as the "William Land Park," shall, with the interest thereon, constitute a fund to be known as the "William Land Park Fund." Said fund shall be administered by the Mayor and the City Council of the City of Sacramento under the terms and conditions of the last will and testament of the said William Land, as successors to the Mayor and Board of Trustees named therein.

*Municipal Employment Office*Municipal
employ-
ment
office.

Sec. 267. The City may provide and maintain a free employment office to assist worthy persons in securing employment. No fees or compensation of any kind shall be paid by or required from any person seeking or securing employment through said office.

APPENDIX A

*Appointment of First Manager*Appoint-
ment of
first
manager.

Sec. 268. The members of the first Council elected hereunder shall have the power, and it shall be their duty within five days after the date of the certification of their election to qualify and organize for the sole purpose of electing a City Manager, as hereinafter provided, and the said Council shall, if practicable, elect a City Manager prior to the said 30th day of June following their election, whose active service shall begin on that day, at the same time as their own.

*New Charter Takes Effect*New
charter
takes
effect.

Sec. 269. For the sole purpose of the election of the officers directed by this charter to be elected by the people, this charter shall take effect immediately after its approval by the Legislature, and such election shall be managed and conducted in accordance with the provisions of Article XXI hereof. The Central Election Board for the purpose of said first election shall be composed of the City Clerk, and the City Auditor, then in office, and three electors of the City not otherwise in the employ of the City. For all other purposes, this charter shall take effect on the 30th day of June next following its approval by the Legislature.

*First Election of Officers*First
election
of officers.

Sec. 270. The City Commission of the City of Sacramento then in office shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the result.

Continuing Officers and Employees

Sec. 271. Until the election or appointment and induction into office of the officers and employees in this charter provided for, the present officers and employees shall, without interruption, continue to perform the duties of their respective offices and employments in the manner and for the compensation provided by the precedent charter or existing ordinances or laws.

Continuing
officers and
employees.

Continuing Ordinances in Force

Sec. 272. All lawful ordinances, resolutions, and regulations in force at the time this charter shall take effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

Continuing
ordinances
in force.

APPENDIX B

Ballots and Voting

Sec. 273. The full names of all regularly nominated candidates shall be printed on the official ballots in the alphabetical order of the surnames.

Ballots and
voting.

The ballots shall be marked according to the following instructions, which shall be printed at the top of each ballot under the heading of "Directions to Voters."

Put the figure 1 opposite the name of your first choice. If you want to express also second, third, and other choices, do so by putting the figure 2 opposite the name of your second choice, the figure 3 opposite the name of your third choice, and so on. In this way you may express as many choices as you please. The more choices you express, the surer you are to make your ballot count for one of the candidates you favor.

This ballot will not be counted for your second choice, unless it is found that it can not help your first; it will not be counted for your third choice unless it is found that it can not help either your first or your second; etc.

A ballot is spoiled if the figure 1 is put opposite more than one name. If you spoil this ballot, tear it across once, return it to the election officer in charge of the ballots, and get another from him.

Rules for Counting Ballots

Sec. 274. Ballots cast for the election of members of the City Council shall be counted and the results determined by the election authorities according to the following rules.

Rules for
counting
ballots.

(a) On all ballots a cross shall be considered equivalent to the figure 1. So far as may be consistent with the general election laws, every ballot from which the first choice of the voter can be clearly ascertained shall be considered valid.

Rules
for
counting
ballots.

(b) The ballots shall first be sorted and counted at the several voting precincts according to the first choices of the voters. At each voting precinct the ballots cast for each candidate as first choice shall be put up in a separate package, which shall be properly marked on the outside to show the number of ballots therein and the name of the candidate for whom they were cast. The ballot declared invalid by the precinct officials shall also be put up in a separate package, properly marked on the outside. All the packages of the precinct, together with a record of the precinct count, shall be promptly forwarded to the central election authorities as directed by them and the counting of the ballots shall proceed under their direction.

(c) After the review of the precinct count by the central election authorities and the correction of any errors discovered therein, the first-choice votes for each candidate shall be added and tabulated. This completes the first count.

(d) The whole number of valid ballots shall then be divided by a number greater by one than the number of seats to be filled. The next whole number larger than the resulting quotient is the quota or constituency that suffices to elect a member.

(e) All candidates the number of whose votes on the first count equals or exceeds the quota shall then be declared elected.

(f) All votes obtained by any candidate in excess of the quota shall be termed his surplus.

(g) Any surpluses there may be shall be transferred next (unless one or more candidates may next be declared defeated according to rule (m)), the largest surplus first, then the next largest, and so on, according to the following rules.

(h) In the transfer of a surplus transferable ballots up to the number of votes in the surplus shall be transferred to the continuing candidates marked on them as next choice, in accordance with rule (n). The particular ballots to be taken for transfer as the surplus of a candidate shall be obtained by taking as nearly an equal number of ballots as possible from the transferable ballots that have been cast for him in each of the voting precincts. All such surplus ballots shall be taken as they happen to come without selection.

(i) "Transferable ballots" means ballots from which the next choice of the voter for some continuing candidate can be clearly ascertained. A "continuing candidate" is a candidate as yet neither elected nor defeated.

(j) Whenever a ballot is transferred from one candidate to another, it shall be tallied or otherwise recorded by a tally clerk assigned to the candidate to whom it is being transferred. Each tally clerk shall take care not to receive for his candidate by transfer more ballots than are required to complete the quota.

(k) The votes standing to the credit of each candidate shall be added and a tabulation of results made whenever a

comparison of the votes of the several candidates is necessary to determine the next step in the procedure. Each tabulation, together with the transfers of ballots made since the preceding tabulation, is referred to in this section as a "count." ^{Rules for counting ballots.}

(l) After the transfer of all surpluses (or after the first count if no candidate received a surplus) every candidate who has no votes to his credit shall be declared defeated. Thereupon the candidate lowest on the poll as it then stands shall be declared defeated and all his transferable ballots transferred to continuing candidates, each ballot being transferred to the credit of that continuing candidate next preferred by the voter, in accordance with rule (n). Thereupon the candidate then lowest shall be declared defeated and all his transferable ballots transferred in the same way. Thus lowest candidates shall be declared defeated one after another and their transferable ballots transferred to continuing candidates.

(m) But one or more candidates lowest on the poll may be declared defeated before the transfer of surpluses, and their ballots, if any, transferred after the surpluses as part of the same count, provided,

(1) the votes of those lowest candidates and all the surplus votes do not all together exceed in number the vote of the candidate next higher on the poll, and

(2) the number of continuing candidates is not thereby reduced below the number still to be elected.

And after the transfer of surpluses (or after the first count if no candidate received a surplus) two or more candidates lowest on the poll at the end of any count may be declared defeated simultaneously and all their ballots transferred in one count, provided,

(1) the votes of those lowest candidates do not all together exceed in number the vote of the candidate next higher on the poll.

(2) the number of continuing candidates is not thereby reduced below the number still to be elected.

Whenever the ballots of two or more defeated candidates are transferred during the same count, the ballots of the candidate lowest on the poll shall be transferred first, then those of the candidate next higher, and so on.

(t) The candidates or their agents, representatives of the press, and, so far as may be consistent with good order and with convenience in the counting and transferring of the ballots, the public shall be afforded every facility for being present and witnessing these operations.

(u) The City Council shall have power to provide for the use of mechanical or other devices for marking and sorting the ballots and tabulating the results, and to modify the form of the ballot, the directions to voters, and the details in respect to the methods of counting and transferring ballots accordingly; provided, however, that no change shall be made which will alter the principles of the voting or of the counting.

* * *

* * *

Report
of free-
holders.

WHEREAS, the City of Sacramento for years last past has been and now is a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, on the 15th day of May, 1920, at a general municipal election duly held on that day in said city, under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said city did duly choose and elect Mertie D. Adams, A. B. Atkinson, W. E. J. Baughman, Wm. C. Eddy, Christopher A. Elliott, C. W. Frazier, Lewis C. Hunter, Gilbert Johannsen, E. G. Johnson, Chris. R. Jones, W. J. Lefflar, A. W. Norris, James H. Parkinson, Chas. S. Ralph and Mrs. J. L. Richards, who were all electors of said city and eligible as candidates under said section, a board of fifteen freeholders to prepare a charter for the government of said city; and

WHEREAS, the result of said election of freeholders was duly declared by the legislative body, to-wit, the City Commission, of said city on the 17th day of May, 1920, and the said electors thereafter duly qualified as such freeholders in accordance with law;

BE IT KNOWN, that in pursuance of the provisions of said Constitution and within the period of one hundred twenty days after the result of said election was so declared, the Board of Freeholders has prepared and does now propose the foregoing as and for the charter of the City of Sacramento; and

BE IT FURTHER KNOWN, that the said Board of Freeholders hereby requests said City Commission to cause the publication of the said proposed charter as provided in said Section 8 of Article XI of said Constitution, and fixes Tuesday, the thirtieth day of November, 1920, as the date for holding a special municipal election in said city, at which the proposed charter shall be submitted to the electors of said city for their ratification and adoption.

IN WITNESS WHEREOF, we, the undersigned freeholders, have hereunto set our hands at the City of Sacramento, in the State of California, this tenth day of September, A. D. 1920.

LEWIS C. HUNTER, President
MRS. (J. L.) MATTIE RICHARDS, Secretary
MERTIE D. ADAMS
A. B. ATKINSON
W. E. J. BAUGHMAN
WM. C. EDDY
C. A. ELLIOTT
C. W. FRAZIER
GILBERT JOHANNSEN
E. G. JOHNSON
CHRIS. R. JONES
W. J. LEFLAR
A. W. NORRIS
JAMES H. PARKINSON.

Attest: V. A. McGeorge, Assistant Secretary.

The Board of Freeholders of the City of Sacramento hereby requests the City Commission of said city to cause the publication of the foregoing proposed charter in the manner provided by law and fixes Tuesday, the thirtieth day of November, A. D. 1920, as the date for holding a special municipal election in said city, at which the said charter shall be submitted to the electors of said city for their ratification and adoption.

Dated, September 10, 1920.

LEWIS C. HUNTER, President
 MRS. (J. L.) MATTIE RICHARDS, Secretary
 NERTIE D. ADAMS
 A. B. ATKINSON
 W. E. J. BAUGHMAN
 WM. C. EDDY
 C. A. ELLIOTT
 C. W. FRAZIER
 GILBERT JOHANNSEN
 E. G. JOHNSON
 CHRIS. R. JONES
 W. J. LEFLAR
 A. W. NORRIS
 JAMES H. PARKINSON.

Freeholders of the City of Sacramento.

Filed, September 13th, 1920.

M. J. DESMOND,

City Clerk of the City of Sacramento, State of California. Certificate.

I, M. J. DESMOND, City Clerk of the City of Sacramento, State of California, hereby certify that the above is a full, true, and correct copy of the proposed charter of the City of Sacramento as prepared and proposed by a Board of fifteen Freeholders thereof, and of the certificate of said Board of Freeholders thereto attached, and filed in the office of the City Clerk of said city on the 13th day of September, 1920.

In witness whereof, I have hereunto set my hand and the seal of the City of Sacramento, this 13th day of January, 1921.

(SEAL)

M. J. DESMOND,

City Clerk of the City of Sacramento,
 State of California.

In witness whereof, we have hereunto set our hands and caused the seal of said city to be affixed, this 13th day of January, 1921.

CITAS. A. BLISS,

President of the City Commission of
 the City of Sacramento.

(SEAL)

M. J. DESMOND,

City Clerk of the City of Sacramento.

And

WHEREAS, Said charter has been submitted to the legislature of the State of California for approval or rejection without alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now, therefore be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, A majority of all the members elected to each house voting therefor, and concurring therein, That said charter as presented to be adopted and ratified by the said city of Sacramento, and as herein above fully set forth, and the same is hereby approved as a whole as the charter of the city of Sacramento.

CHAPTER 11.

Senate Concurrent Resolution No. 13—Relative to approving two amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at an election held therein on the second day of November, 1920.

[Filed with Secretary of State January 24, 1921.]

Pasadena
city
charter
amend-
ments.

WHEREAS, the city of Pasadena, in the county of Los Angeles, State of California, contains a population of over three thousand five hundred inhabitants and has been ever since the year 1901, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, 1900, and approved by the legislature of the State of California on the twenty-ninth day of January, 1901 (Statutes of 1901, page 884); and

WHEREAS, pursuant to said section of the constitution at an election held on the second day of November, 1920, there were duly and regularly submitted to the qualified electors of said city two amendments to said charter lettered "A" and "C" respectively, and at said election a majority of the qualified voters voting on each of said amendments respectively voted in favor thereof; and

WHEREAS the said commission of said city of Pasadena has duly certified to the submission to the electors of said city of said proposed amendments to said charter and to the ratification thereof, and has duly certified to a copy of said proposed amendments authenticated by the seal of said city, which certificate is in words and figures as follows, to-wit:

STATE OF CALIFORNIA }
 COUNTY OF LOS ANGELES } SS
 CITY OF PASADENA }

CERTIFICATE OF RATIFICATION OF PROPOSED
 CHARTER AMENDMENTS TO THE CHARTER
 OF THE CITY OF PASADENA.

The undersigned, A. L. Hamilton, John J. Hamilton, II. F. Newell, William H. Reeves and M. H. Salisbury, the governing body of said City of Pasadena, known and designated as the City Commission of said City of Pasadena, and Bessie Chamberlain, City Clerk of said City, do hereby certify as follows, to-wit:

That the said City of Pasadena, in the County of Los Angeles, State of California, contains a population of over 3,500 inhabitants and has been ever since the year 1901, and now is organized and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article 11 of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California on the 29th day of January, 1901. (Statutes of 1901, page 884).

That the Commission of the City of Pasadena did by legal orders adopted by the said City Commission on the 14th day of September, 1920, and the 21st day of September, 1920, and pursuant to Section 8 of Article 11 of the Constitution of the State of California, duly propose to the qualified electors of said City of Pasadena certain amendments to the charter of said City to be submitted to the qualified electors at a special election to be held in said City on the 2nd day of November, 1920, which said amendments were and are in words and figures as follows, to-wit:

PROPOSED CHARTER AMENDMENT "A"

That Article 22 of the Charter of the City of Pasadena be amended to read as follows:

ARTICLE 22.

SECTION 1. The City shall be governed by a Board of seven Directors elected as herein provided and by a City Manager appointed by said Board. City government

Said Board of Directors shall be first elected at the general city election in April, 1921, and the members thereof shall take office at noon on the first Monday in May next following, whereupon the term of office of all Commissioners governing the City at the time of the adoption of said amendment shall terminate. The members of the Board of Directors first elected shall so classify themselves by lot that four shall hold office Board of directors

for four years and three for two years, and until their respective successors are elected and qualify. Their respective successors shall hold office for four years and until their successors are elected and qualify. Said Directors shall be nominated and elected at large. If any vacancy occurs in the Board of Directors, the remaining members of the Board shall appoint a person to fill such vacancy during the balance of the unexpired term.

Compensation.

SECTION 2. From and after the first Monday in May, 1921, each member of the Board of Directors shall receive the sum of Ten Dollars (\$10.00) for each meeting of the Board which he shall attend, provided that no member of the Board shall receive compensation in excess of Fifty Dollars (\$50.00) in any one calendar month.

Quorum.

SECTION 3. Each member of the Board of Directors shall have the right to vote on all questions coming before the Board. Four members of the Board of Directors shall constitute a quorum and the affirmative vote of four members of said Board shall be necessary, and shall be sufficient, to adopt any ordinance, resolution or motion, or to pass any measure, unless a greater number is specifically required. Whenever more than a majority vote of the legislative body of the City is required to adopt any measure, then the affirmative vote of five members of the Board of Directors shall be necessary to adopt such measure. Upon every vote the yeas and nays shall be called and recorded. The Board of Directors shall elect from its membership a Chairman and a Vice Chairman. Every ordinance and resolution adopted by the Board of Directors shall be signed by the Chairman, or, in his absence, by the Vice Chairman, or shall be signed by four members of the Board of Directors.

Powers

SECTION 4. The Board of Directors shall have and possess all legislative, administrative, judicial and executive powers, functions and duties heretofore had, vested in or possessed by the Commission, the Mayor, the City Council, the Board of Commissioners, the Board of Water Commissioners, the Board of Health and the Board of Library Trustees. Said Board of Directors and the members thereof shall be the successors of the officers, bodies and Boards respectively herein in this section specified. The Board of Directors may apportion and assign the several executive and administrative powers, functions and duties of the City among separate departments. The performance of administrative and executive acts may be delegated by the Board of Directors to any department or departments created, or to any officer or officers appointed by the Board of Directors, or to any Director or Directors.

City manager.

SECTION 5. The Board of Directors shall appoint a City Manager and fix his compensation, powers and duties, provided that such officer shall be appointed and his compensation, powers and duties fixed only at a regular meeting of the Board of Directors and upon the affirmative vote of not less than

five members of the Board. The affirmative vote of not less than five members of the Board of Directors shall also be required to remove the City Manager from office.

SECTION 6. Subject to the provisions of Section 5 hereof, the Board of Directors shall have the power of appointment and removal of all officers and employees of the City (except members of the Board of Education), and may fix the qualifications, compensation, powers and duties of officers and employees. Until different provision is made, the offices in existence at the time of the adoption of this amendment (except those offices and boards hereinbefore specified, the powers and duties of which are vested in the Board of Directors and which are superseded hereby) shall continue, but the Board of Directors may at any time abolish or consolidate such offices or change the compensations, qualifications, powers and duties of the incumbents thereof and provide for other offices, departments, boards and employees. Officers and employees.

SECTION 7. This article shall be liberally construed to carry out the purposes hereof, and there shall be no presumption that it is not intended to change or supersede other provisions of the charter at variance or inconsistent herewith. Nothing contained in this Article, however, shall affect the Department of Education provided for in Article 16. So far as this Article is inconsistent with other provisions of this charter such other provisions shall be deemed to have been superseded hereby to the extent of such inconsistency. This Article shall go into effect for all election purposes on the day of its ratification by the Legislature, and for all other purposes on the first Monday in May, 1921, upon the qualification of the members of the Board of Directors first elected hereunder. Construction of article.

That Section 7 of Article 8 be amended to read as follows:

The enacting clause of all ordinances shall be "The Board of Directors of the City of Pasadena ordains as follows". Enacting clause.

This section shall go into effect upon the election and qualification of the Board of Directors provided for in Article 22.

PROPOSED CHARTER AMENDMENT "C"

That Section 21 of Article 12 of the Charter of the City of Pasadena be amended to read as follows:

ARTICLE 12, SECTION 21.

Whenever the Council shall determine that the public interest requires the construction or acquisition or completion of any permanent municipal building, school building, high school building, sewer, property, water right, bridge, or other public improvement, or utility, the cost of which, in addition to the other expenditures of the City, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in Section 18 of Article Creation of indebtedness.

Creation of indebtedness.

11 of the Constitution of this State and general law or laws thereof; provided, that such indebtedness shall not bear more than six per cent interest per annum, payable semi-annually, and that no bond issue therefor shall be sold for less than par value and to the highest bidder, after advertising for sealed proposals therefor.'

That thereafter the City Commission of said City, by Ordinance known as Ordinance No. 1867, which was duly adopted on the 19th day of October, 1920, duly called a special election in said City of Pasadena, and ordered submission of the said proposed amendments to the qualified electors of said City thereat, for the 2nd day of November, 1920, which said last mentioned date was more than forty days and less than sixty days after the publication of such proposed amendments in the Pasadena Star-News, a daily newspaper of general circulation, printed, published and circulated in said City, and which is and was the official newspaper of said City of Pasadena, and said ordinance did specify the purpose and time of such election and establish the election precincts and designated the polling places therein and the names of the election officers for each such precincts and the form, manner and style of submission of said proposed amendments thereat, which said ordinance was duly published once in said official newspaper, published and circulated in said City, to-wit, the Pasadena Star-News, on October 20th, 1920.

That at such special election a majority of the qualified electors, voted in favor of the ratification and did ratify said Proposed Amendments "A" and "C".

That the City Commission of said City of Pasadena at a regular meeting thereof, held on Monday, November 8th, 1920, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified said Proposed Amendments "A" and "C".

That we have compared the foregoing proposed and ratified amendments with the original ordinance proposing said amendments and find that they are correct.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the City of Pasadena, this 31st day of December, 1920.

A. L. HAMILTON
JOHN J. HAMILTON
H. F. NEWELL
WILLIAM H. REEVES
M. H. SALISBURY

THE
COMMISSION
OF
THE CITY OF PASADENA.

(SEAL)

BESSIE CHAMBERLAIN
City Clerk of the City of Pasadena.

And

WHEREAS, the said two proposed amendments so ratified as hereinbefore set forth, have been duly presented and submitted

to the legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with the said section of the constitution of the State of California; now therefore,

Be it resolved by the senate of the State of California, the assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the two proposed amendments to the charter of the city of Pasadena, designated as proposed charter amendments, lettered "A" and "C," hereinabove set forth, as presented and submitted to, and adopted and ratified by, the qualified electors of said city, be and the same are hereby approved as a whole, for and as amendments to the charter of the city of Pasadena.

Approval by
legislature.

CHAPTER 12.

Senate Concurrent Resolution No. 11—Approving eight certain amendments to the charter of the city of Santa Rosa, county of Sonoma, State of California, voted for and ratified by a majority of the qualified electors of the said city of Santa Rosa, at a special municipal election held therein on Tuesday, January 4, 1921.

[Filed with Secretary of State January 24, 1921.]

WHEREAS, the city of Santa Rosa, in the county of Sonoma, State of California, contains a population of over seven thousand eight hundred seventeen inhabitants, and has been ever since the year nineteen hundred and five and now is organized and acting under the frecholder's charter adopted under and by virtue of section eight, article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the qualified voters of said city at a special election held for that purpose on the thirteenth day of September, nineteen hundred and four, and which was duly approved, ratified and adopted by the legislature of the State of California, on the third day of February, nineteen hundred and five (statutes of nineteen hundred and five, page eight hundred sixty-seven); and

Santa Rosa
city
charter
amend-
ments.

WHEREAS, the legislative body of said city, namely, the council of said city did, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, by ordinance number three hundred fifty-three, duly adopted on the sixteenth day of November, nineteen hundred and twenty, duly propose to the qualified electors of said city of Santa Rosa, twelve amendments to the charter of said city, being therein designated as proposed charter amendments numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, and ordered that said amendments be submitted to said qualified electors of said

Santa
Rosa
city
charter
amend-
ments.

city at a special municipal election to be held in said city on the fourth day of January, nineteen hundred and twenty-one, which date was fixed in said ordinance as the date for holding said special municipal election; and

WHEREAS, said proposed charter amendments numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve were, and each of them was, on November eighteenth, nineteen hundred and twenty, duly published in the *Santa Rosa Republican*, a daily newspaper of general circulation in said city of Santa Rosa and a newspaper designated by said council for that purpose; and said proposed charter amendments were printed in convenient pamphlet form and until the said date fixed for said special municipal election, a notice was published in the *Santa Rosa Republican*, a newspaper of general circulation published in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, such copies could be had upon application at the office of the city clerk of said city, until the date fixed for the said special municipal election; and

WHEREAS, the city council of said city did, by ordinance number three hundred fifty-four, duly adopted on the sixteenth day of November, nineteen hundred and twenty, order the holding of a special municipal election in said city of Santa Rosa, on the fourth day of January, nineteen hundred and twenty-one, which last named date was not less than forty and not more than sixty days after the publication of said proposed charter amendments, and which said date was during a regular session of the legislature and before the final adjournment of such session, and did provide in said ordinance for the submission of said proposed charter amendments to the said charter to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was published, as required by law and the charter of said city, prior to the time appointed for the holding of said election, in the *Santa Rosa Republican*, a daily newspaper of general circulation published in said city; and

WHEREAS, thereafter, to wit, on the sixth day of January, nineteen hundred and twenty-one, and pursuant to the charter of said city, the city council of said city did duly canvass the returns of said special municipal election, and, after canvassing the said returns did duly find and declare the result of said canvass; and

WHEREAS, at said special municipal election held on said fourth day of January, nineteen hundred and twenty-one, eight of said proposed amendments were ratified by a majority of the electors of said city voting thereon, to wit, charter amendments numbers one, two, three, four, nine, ten, eleven and twelve, and all the other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, the said eight charter amendments so ratified by the electors of the city of Santa Rosa, are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and are in words and figures, as follows, to wit:

AMENDMENT No. 1.

A new section is hereby added to the Charter of the City of Santa Rosa, numbered 65, and which is in words and figures as follows:

Section 65. Eminent Domain. The City shall have power and authority to exercise the right of eminent domain^{Eminent domain.} for the purpose of acquiring real or personal property or any interest therein within or without the city for public use, and the provisions of the constitution and the general laws of the State of California relating to eminent domain are made applicable to all proceedings under this section.

The sections of said charter numbered 66 to 69, inclusive, are hereby repealed.^{Repealed.}

AMENDMENT No. 2.

Section 22 of the Charter of said City is hereby amended so as to read as follows:

Section 22. The Mayor shall be a conservator of the peace^{Mayor.} and shall have supervision over the affairs of the city. He shall take care that the laws of the State and the ordinances of the City are duly enforced. He shall preside at all meetings of the Council at which he is present. He shall have a vote only in case of a tie, and his vote shall be recorded the same as that of a Councilman. He shall sign all warrants drawn upon the city treasury, and, with the City Clerk execute for the city all contracts, conveyances and other instruments in writing to which the city is a party. He shall have the power to administer oaths and take affidavits, and certify the same under his hand. The Mayor, by and with the consent of the Council, shall appoint all officers of the city not elective. The Mayor shall receive as compensation the sum of Seventy-Five Dollars per month, payable monthly. The Council shall elect a Mayor pro tem, which election shall be entered upon the minutes by the City Clerk, whose duty it shall be to perform the duties of Mayor whenever the Mayor shall be absent from the City or shall be, for any cause, unable to perform the duties of Mayor.

AMENDMENT No. 3.

A new section is hereby added to the said Charter of the City of Santa Rosa, numbered 82, which is in words and figures as follows:

Street
improve-
ment
bonds.

Section 82. Street Improvement Bonds. The Council shall have the power and authority in its discretion to determine that Serial Bonds shall be issued, in the manner and form provided by the laws of the State of California, to represent and to provide for the payment of the assessments of Twenty-Five Dollars or over for the costs and expenses of any street work or street improvement upon any street or portion of any street in the City, as provided in this Charter, and whenever in the judgment of the Council the costs and expense of any such street work or street improvement should be paid by assessment on the property fronting on the line of the work or improvement, the Council shall have power in its discretion to declare and determine that street improvement bonds shall be issued to cover or represent the cost and expense of any street work or improvement upon any street or any part of a street in the city, and shall provide for issuing Serial Bonds or street improvement bonds therefor, and an Act of the Legislature of the State of California entitled "An Act to provide a system of Street Improvement Bonds to represent certain assessments for street work and improvement within municipalities, and also for the payment of such bonds," approved Feb. 27, 1893. (Statutes 1893, page 33), and all amendments thereto, and also an Act of the Legislature entitled "An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911 (Statutes of 1911, page 1192) and all amendments thereto now existing or which may hereafter be passed, and also an Act of the Legislature entitled "An Act to provide for the issuance of improvement bonds to represent and to be secured by certain assessments made for the cost of certain work and improvement made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915 (Statutes of 1915, page 1441), and all amendments thereto now existing or that may hereafter be passed, where not in conflict with the provisions of this Charter, are hereby adopted and made a part of this Charter.

But with the following exceptions and changes in said Acts and said amendments, that is to say: Whenever and wherever in said Acts or in said Amendments thereto, the phrase "Street Work Act", "Park Act", "Street Opening Act", or "Street improvement Act", is used, it shall be taken to and is hereby declared to mean the provisions of this Charter providing for street work or improvements, and whenever and wherever in said Acts or Amendments thereto, the phrase or words "the City" or "said City", "municipal body" or "municipality", or equivalent words or phrases are used, they

shall be taken to mean the City of Santa Rosa. The words "Street Superintendent" or "Superintendent of Streets" shall be taken to mean the street commissioner of the City of Santa Rosa.

The words "intersection work" shall not be construed to authorize the cost of intersections or street crossings to be assessable or chargeable to frontage on the line of the work on any street.

The provisions of this Section and the Laws of the State of California, adopted herein are not to be construed as abridging or limiting the provisions of Sections 81 and 85 of this Charter. This Article and the laws and provisions adopted herein are additional and cumulative remedies to the provisions of said Sections 81 and 85 of this Charter. All of the provisions of this Article and the laws of the State of California relating to Serial Bonds, and herein adopted as part of this Charter, shall be liberally construed and all presumptions shall be indulged in favor of upholding the proceedings that may be had thereunder, and no irregularity, error or mistake in any of the proceedings which does not affect the substantial rights of parties interested shall be available as a defense in any action or proceeding arising thereunder.

AMENDMENT NO. 4.

Section 10 of said Charter of the City of Santa Rosa is hereby amended to read as follows:

Section 10. The elective officers shall be elected by the ^{Elections.} voters at large, and the person receiving the highest number of votes for any office shall be declared to be elected to such office, provided, however, that one councilman shall be elected for each ward respectively and shall be a bona fide resident in the ward for which he is elected. In case of a tie vote or in case of a contest, the Council shall decide and declare who is elected, and cause certificates of election to be issued to the persons declared to be elected by them. Any person receiving votes at any city election for any city office and who is dissatisfied with the counting of votes as made by the officers of election or the declaration thereof by the Council may within five days after the result of said election has been declared by the Council, file a notice in writing with the City Clerk setting forth and declaring therein that he will contest said election and shall also hand a copy of notice to said City Clerk for the person whose right to such office is contested, and the City Clerk shall serve the same by mailing said copy to the person whose office is contested by depositing said copy in the United States Postoffice at Santa Rosa, California, sealed in an envelope properly addressed to such party with the postage thereon prepaid within two days after the clerk shall receive the same, or the City Clerk may within said two days hand said notice personally to said party whose election to said office is contested. Proof of service shall be made by affidavit and shall

be filed by the City Clerk within the said five days. The Council shall set a time and place for the hearing of said contest, and shall hear the testimony, examine and recount the ballots cast for said office at said election and determine between said contestants, and their decision shall be entered upon their minutes and shall be final and conclusive, except as to questions of law affecting the legality of the election or of any ballot cast thereat.

AMENDMENT No. 9.

The following new sections, numbered 104 to 109, inclusive, are hereby added to the Charter of said City, which are in words and figures as follows:

School
System.

Section 104. The school system of the City of Santa Rosa shall include kindergartens, primary, grammar and high schools, and such evening schools, technical schools, vocational schools, intermediate schools, parental schools, junior colleges and other schools as are established, or may hereafter be established, by the Board of Education of said City, in the City of Santa Rosa School District, under the Constitution and General School Laws of the State of California.

Section 105. The boundaries of the City of Santa Rosa School District shall be the boundaries now established for the City of Santa Rosa, or that may be hereafter established for said City; provided that nothing herein contained shall be construed as prohibiting, or in anywise affecting the annexation, for school purposes, of additional outside territory to said City of Santa Rosa School District, in accordance with the General School Laws of the State of California.

Board of
education

Section 106. The government of the City of Santa Rosa School District shall be vested in a Board of Education composed of five persons, who shall be elected by the electors of said City of Santa Rosa School District, at large, at the same time and in the same manner as other municipal officers, and each of whom shall have been for at least two years immediately next preceding the election, a resident of said district, who shall be styled member of the Board of Education. They shall serve for a term of four years, and until their successors are elected and qualified, except that at the organization of the first Board of Education elected after the adoption of this provision, the members thereof shall, by lot, determine that two of its members shall hold office for a term of two years. Any vacancy in the Board shall be filled by the Board until the next general City Election for municipal officers, when a member shall be elected to fill the unexpired term.

The three members of the Board of school trustees or Board of Education who shall be discharging the duties of a governing board of said City of Santa Rosa School District at the time this provision goes into effect, together with two other members to be appointed by the County Superintendent of Schools, shall constitute the Board of Education hereunder

until the next general City Election, when their successors shall be elected as herein provided.

Section 107. The powers and duties of the Board of Education shall be such as are now, or may hereafter be conferred upon and enjoined of Boards of Education in City School Districts by the laws of the State of California.

Section 108. The members of the Board of Education shall serve without compensation.

Section 109. The Board of Education may annually, on such date as may be fixed by the Council, submit in writing ^{School tax.} to the Council a careful estimate of the whole amount of money to be received from all State and County sources for the support of the schools of the City, and a careful estimate of the amounts, specifying in detail the objects thereof, required from the City for the support of the schools of the City for the ensuing year, together with a request that such amount be assessed and collected in the annual tax levy, and the Council may, upon such a request from the Board of Education, levy a rate upon the taxable property of the City which will, with the money obtained from all other sources for educational purposes, raise sufficient funds to adequately support the schools of the City. The money collected for school purposes shall be immediately paid into the proper school fund of the City, to be drawn out only upon the order of the Board of Education.

AMENDMENT No. 10.

Section 16 of said Charter of the City of Santa Rosa is hereby amended to read as follows:

Section 16: It shall be the duty of the City Clerk to keep ^{Records} a record of the proceedings of the Council and the Board of Equalization. The Council proceedings shall be kept in a book marked "Records of the Council." The proceedings of the Board of Equalization shall be kept in a separate book marked "Records of the Board of Equalization." He shall keep a book marked "City Accounts" in which shall be entered all moneys received by the city from all sources, and upon the debtor side shall be entered all deductions ordered by the council and all warrants drawn upon the treasury. He shall enter the amount and kind of taxes levied and when levied. He shall also keep a book marked "City Assessor's Account", in which he shall charge the City Assessor, as tax collector of said city, with all tax lists and all licenses delivered to him. He shall credit the City Assessor with the delinquent lists and licenses returned. He shall keep a correct account of all licenses, tax lists and assessments, and all taxes of every kind to be collected by the City Assessor. He shall keep a book marked "City Attorney's Account," and shall charge the City Attorney with all claims and demands to be collected by him, and shall credit him with all moneys and uncollectable claims and demands returned by him. He shall also keep a book marked "City Ordinances," into which

he shall copy all ordinances, with dates, certificates, signatures, and shall certify the same to be a true and correct copy of an ordinance of the City of Santa Rosa, giving the number, title, date of passage and approval, and certifying that it has been posted or published as required by law. Said record shall be prima facie evidence of the contents of the ordinance and of its passage, approval and publication or posting; and the record thereof shall be received in all courts or tribunals as evidence without further proof. But the passage or publication may be proved by other satisfactory evidence. He shall properly index his records. He shall keep a book marked "Demands and Warrants," in which he shall make an entry of every demand filed against the city and the final disposition thereof, whether allowed or not, giving number and date of warrant, if issued, and shall index the same. Upon the completion of the assessment roll of any of the taxes of the city and the levying of the tax, he shall apportion the taxes on the said roll, and shall make out and deliver all tax lists to the City Assessor, as ex-officio Tax Collector of said City, taking his receipt therefor. He shall have power to administer oaths or affirmation, take affidavits and certify the same. He shall take and certify demands against the city without charge. He shall have charge of the seal of the city, on which shall be engraved the arms of the State and the words "City of Santa Rosa." He shall make monthly reports in writing showing the receipts and expenditures during the month, and a full statement of the financial affairs of the city at least once a year. He shall perform all other duties required by law or the ordinances of the city, and shall furnish copies of any record or papers in his office on demand and upon payment of twenty-five cents per folio for the same, together with fifty cents for the certificate and seal, all of which fees shall be paid into the treasury of the city.

AMENDMENT No. 11.

Section 17 of said Charter of the City of Santa Rosa is hereby amended to read as follows:

Assess-
ments.

Section 17. It shall be the duty of the City Assessor, as soon after the first Monday of March each year as practicable, to make a full, true and correct assessment of all the taxable property within the city owned or possessed by any person, board or corporation at twelve o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and a description and value of the property, following the form as near as may be as required by the laws of the State governing County Assessors. He shall make his assessments as near as may be in conformity to the laws of the State in relation to assessments by County Assessors. He shall make out a list of all male persons over the age of twenty-one years and under the age of sixty years. He shall make a

list of all dogs owned or kept within the city with the names of the owners or keepers. All of said lists shall be verified by his oath, and shall be returned to the Council on or before the first Monday of July in each year. No informality shall invalidate said assessment unless the same is substantial. He shall have power to administer oaths and to take affidavits. He shall be ex-officio tax collector and shall collect all taxes, licenses and penalties. He shall receipt to the City Clerk for all tax lists, tax receipts and tax books, and the total amount of taxes shown thereon to be collectible, and shall account for and pay to the City Treasurer monthly on the first day of each month all moneys belonging to the city received by him. He shall, at the time of making the assessment, collect the taxes levied upon each dog, the street poll tax and the personal property tax from all persons liable therefor who shall not own or be assessed with real estate, and shall pay the same to the City Treasurer on the first day of each and every month, and shall make and deliver to the City Clerk at the same time lists of all persons from whom he shall have collected such taxes, and the amounts collected from each person. He shall attend the sessions of the Board of Equalization, and shall make out on the assessment books any additions or corrections that the Board of Equalization may direct. He shall not hold any other public office, either as principal or deputy. The Council may by ordinance further define and declare his duties.

AMENDMENT NO. 12.

Section 19 of said Charter of the City of Santa Rosa is hereby amended to read as follows:

Section 19. The Department of the Police shall be under the direction and control of the Chief of Police. He shall have all the powers given to police officers under the laws of the State. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults and disturbances. He shall have all the powers conferred upon Sheriffs by the laws of the State. His orders shall be promptly executed by the peace officers, or watchmen in the city, and every citizen shall lend him aid when required for the arrest of offenders and the maintenance of order and the protection of persons and property. He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest on view, with or without a warrant, persons violating any law of the State or ordinance of the city. It shall be his duty to take persons arrested before the City Recorder, or to detain them, or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the county jail of Sonoma County, or in the city prison of the city. He shall have the assistance of the police force of the city in the discharge of his duties. The Council may by ordinance further define and declare his duties.

STATE OF CALIFORNIA, }
 County of Sonoma. } ss.

Certificate.

This is to certify that we, W. E. Rutherford, Mayor of the City of Santa Rosa, State of California, and Vida McL. Doggett, City Clerk of said City, have compared the foregoing proposed and ratified amendments to the Charter of said City of Santa Rosa, with the respective proposed amendments set forth in the ordinances adopted by the Council, as hereinbefore stated, submitting the same to the electors of said City at a Special Election held on Tuesday, the Fourth Day of January, Nineteen Hundred and Twenty-One, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said Amendments to said Charter, are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Santa Rosa, this 11th day of January, Nineteen Hundred and Twenty-One.

W. E. RUTHERFORD,
 Mayor of the City of Santa Rosa.

(Seal)

VIDA McL. DOGGETT,
 City Clerk of the City of Santa Rosa.

Now therefore, be it

Approval by
 legislature.

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein). That said amendments to the charter of the city of Santa Rosa, as proposed to, adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are, and each of them is hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the city of Santa Rosa.

CHAPTER 13.

Assembly Concurrent Resolution No. 9—Relative to requesting certain data from the board of control and the civil service commission.

[Filed with Secretary of State January 24, 1921.]

Data
 requested
 from
 board of
 control
 and civil
 service
 commission.

WHEREAS, The legislature will be called upon shortly to give its consideration to several so-called economy plans and it is necessary that we have data concerning the financial operation of the state, in order that we may properly consider the various measures that will come before us; therefore, be it

Resolved, That the state board of control and the civil service commission be and they are hereby directed to prepare and submit immediately to the senate and the assembly a

report containing a complete list of the officers and employees of each and every office, department, board, bureau, commission and institution of the government of the State of California, said report being set up so as to show (1) the name of each such office, department, board, bureau, commission or institution and (2) the names of each of its officers and regular employees of every kind and character with title of position and amount of monthly salary or wages. Said report shall be as of January 1, 1921. Said report shall also contain a statement, with reference to each such office, department, board, bureau, commission and institution, showing the number of persons engaged for temporary or emergency employment during the fiscal year ending June 30, 1920, and the total amount expended on account of such temporary or emergency employment.

CHAPTER 14.

Assembly Joint Resolution No. 2—Relative to the endorsement of the McFadden bill; to conserve the gold ore resources of the nation in the interest of monetary security.

[Filed with Secretary of State January 24, 1921.]

WHEREAS, There is now pending before the congress of the United States a bill known as "the McFadden bill," H. R. 13201, which said bill has for its objects the following: Endorsement of McFadden bill.

1. To prevent a still further and more rapid decline in the production of gold in the United States, which has already decreased from 101 millions in 1915 to an estimated production of less than 50 millions in 1920:

2. To conserve the known gold ore resources of the United States from entire loss, due to the continued shutting down of the gold mines and the flooding and caving of ore incident thereto; and

WHEREAS, The government of the United States has adopted gold as the unit of monetary measurement and the standard medium of exchange; and

WHEREAS, The present condition of the gold mining industry of the United States constitutes a menace to the gold standard and in the interest of the monetary security of the nation demands an immediate remedy; and

WHEREAS, Conditions confronting the gold mining industry in California, the premier gold mining state of the union, call for the prompt and early enactment of the legislation proposed; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California at its forty-fourth session, urges upon the congress of the United States the adoption of said McFadden bill and the imperative need for the immediate enactment of the same; and be it further

Resolved, That a copy of this joint resolution be sent to the President of the United States, to the secretary of the treasury of the United States, to the governor of each of the states of the United States, to the members of the respective committees of mines and mining of the senate and house of representatives of the United States, and to each member of the congress of the United States from the State of California.

CHAPTER 15.

Assembly Concurrent Resolution No. 1—Relative to investigation by the legislature of the State Farm School at Davis.

[Filed with Secretary of State January 28, 1921.]

Investigation of state farm school at Davis.

WHEREAS, Agriculture is a basic industry in California upon which the general prosperity and welfare of the state is intimately dependent; and

WHEREAS, It is recognized that it is of high importance that this great industry be accorded every possible means to develop along modern lines; and

WHEREAS, It is of prime importance to the future welfare of the industry that it draw to its ranks, from the youth of our state, young men and young women who have received efficient training in the science of agriculture; and

WHEREAS, It is the function of the college of agriculture of the University of California to offer such training, and

WHEREAS, It has ever been the policy of the people of California to be content with nothing short of the best in educational facilities; and

WHEREAS, The agricultural legislative committee, representing twenty-five cooperative organizations with sixty thousand farmer members, has publicly stated, following a careful investigation, that hundreds of California boys and girls are seeking agricultural training outside of their home state; that general conditions at the University Farm School, Davis, are becoming a state scandal; that the buildings at said institution are entirely inadequate and unsuited to their purpose; that said buildings are overcrowded; that the faculty is poorly paid and that the equipment is almost negligible, notwithstanding that in 1919 the appropriation for the college of agriculture was one million three hundred thousand dollars, and other large amounts in previous years; and

WHEREAS, The board of regents of the University of California, in their budget to the state board of control, have asked for an appropriation of seven hundred and fifty thousand dollars with which to purchase two hundred acres of land near Berkeley in order that the activities of the college of agriculture can be centered at Berkeley, and

WHEREAS, There is a growing sentiment among the agricultural interests of this state that the time has arrived when it is important and essential that the state of California have a college of agriculture second to none in the United States, and that the University Farm at Davis, because of soil, climate and geographical location, is the ideal location for such a college; therefore, be it

Resolved by the assembly, the senate concurring, That the speaker of the assembly shall appoint three members, and the president of the senate shall appoint three members, who shall investigate the present status of the college of agriculture of the University of California and the University Farm School, inquire into the needs of the institutions mentioned, ascertain the views of the agricultural interests of the state, and report their findings and recommendations in full to the present session of the legislature immediately after the constitutional recess, to the end that the agricultural industry of California can take pride in a college of agriculture worthy of this great state; and be it further

Resolved, That the committee shall have power to employ such assistants as it may deem necessary, and that the expenses incurred in such investigation, not exceeding the sum of one thousand dollars, shall be paid equally by the assembly and senate out of their contingent funds.

CHAPTER 16.

Assembly Concurrent Resolution No. 5—Relative to amendments to the charter of the city of Berkeley, after due ratification by the qualified electors of said city at a city election properly held.

[Filed with Secretary of State January 28, 1921.]

WHEREAS, The city of Berkeley, State of California, contains a population of over fifty-six thousand inhabitants, and has been ever since the first day of July, 1909, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, and which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the thirtieth day of January, 1909, and approved by the legislature of the State of California, on the fourth day of March, 1909 (Statutes of 1909, page 1208); and

Berkeley
city
charter
amend-
ment.

WHEREAS, The legislative authority of said city, namely, the council thereof, duly proposed to the qualified electors of the city of Berkeley, four certain amendments to the charter of said city by the submission of four proposals, entitled as follows, to wit:

Proposed
charter
amend-
ments.

“CHARTER AMENDMENT NO. 1.

Describing and setting forth a proposal to the qualified electors of the City of Berkeley, County of Alameda, State of California, to amend the Charter of said City by amending Section 57 of Article X.

CHARTER AMENDMENT NO. 2.

Describing and setting forth a proposal to the qualified electors of the City of Berkeley, County of Alameda, State of California, to amend the Charter of said City by amending Sections 14 and 19 of Article V.

CHARTER AMENDMENT NO. 3.

Describing and setting forth a proposal to the qualified electors of the City of Berkeley, County of Alameda, State of California, to amend the Charter of said City by amending Section 4, subdivisions 14, 21, 22, 23 and 24 of Section 5, and subdivision 1 of Section 6, of Article III.

CHARTER AMENDMENT NO. 4.

Describing and setting forth a proposal to the qualified electors of the City of Berkeley, County of Alameda, State of California, to amend the Charter of said City by adding a new section thereto, to be known as Section 115 of Article XVI”; and

WHEREAS, Said four proposals above mentioned containing said proposed amendments to said charter were, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for one day after their passage in the “Berkeley Daily Gazette,” a daily newspaper of general circulation published in said city of Berkeley, and the official newspaper of said city; and whereas, copies of said proposals containing said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described and as required by law an advertisement was published in said “Berkeley Daily Gazette,” that such copies could be had upon application therefor at the office of the city clerk; and whereas, such copies could be had upon application therefor at the office of the city clerk until the date fixed for the election hereinafter described; and

WHEREAS, The legislative body of said city by its resolution No. 9700-N.S. adopted on the first day of October, 1920, did order the holding of a special municipal election in said city of Berkeley, on the thirteenth day of November, 1920, said day being at least forty days after the completion of publication of said proposed amendments for one day in said official paper of said city of Berkeley, to wit, the “Berkeley Daily Gazette,” and not more than sixty days after the completion of said publication, and did provide in said resolution for the submis-

sion of the proposed charter amendments numbers one, two, three and four, to the qualified electors of said city for their ratification at said election; and

WHEREAS, Said election was duly called and held on said thirteenth day of November, 1920, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of, and did ratify one of the proposed amendments to said charter, to wit, charter amendment number four; and

WHEREAS, The returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found and determined and declared by the proper officers thereunto duly and properly authorized that a majority of the qualified electors of said city voting thereon had voted for and ratified one of the said proposed amendments to said charter, to wit, charter amendment number four; and

WHEREAS, Said amendment to the charter so ratified by a majority of the qualified electors of said city voting at said election, to wit, charter amendment number four, is in words and figures following, to wit:

CHARTER AMENDMENT NO. 4.

Describing and setting forth a proposal to the qualified electors of the City of Berkeley, County of Alameda, State of California, to amend the Charter of said City by adding a new section thereto, to be known as Section 115 of Article XVI.

That a new section to be known as Section 115 of Article XVI be added to the Charter, and that said Section 115 of Article XVI of the Charter of the City of Berkeley, California, shall read as follows:

MUNICIPAL AFFAIRS.

Sec. 115. The City of Berkeley shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided, however, that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the State.

CITY OF BERKELEY,
COUNTY OF ALAMEDA, } ss.
STATE OF CALIFORNIA. }

This is to certify that we, LOUIS BARTLETT, Mayor of the City of Berkeley, and E. M. HANN, City Clerk of said City, have compared the foregoing proposed and ratified amendments to the Charter of the City of Berkeley with the original proposals, submitting the same to the electors of the

Certificate.

said City at a consolidated election held on Saturday, the 13th day of November, 1920, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Berkeley, this 4th day of January, 1921.

LOUIS BARTLETT,

Mayor of the City of Berkeley.

E. M. HANN,

City Clerk of the City of Berkeley.

[SEAL]

WHEREAS, The said proposed amendment is now submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section eight, article eleven, of the constitution of the State of California; now, therefore,

Approval by legislature.

Be it resolved by the assembly of the State of California, the senate thereof concurring. A majority of all the members elected to each house voting therefor and concurring therein, that said amendment to the said charter herein set forth as presented and ratified by the qualified electors of said city be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as part of the charter of said city of Berkeley.

President of the senate.

Speaker of the assembly.

Secretary of state.

Attest:

CHAPTER 17.

Assembly Joint Resolution No. 9—Relative to the passage of the world war adjusted compensation act.

[Filed with Secretary of State January 28, 1921.]

Passage of world war adjusted compensation act.

WHEREAS, The nation's debt to the veterans of the world war is unquestionably recognized by a grateful people, for valiant services rendered, and

WHEREAS, There is now pending before the congress of the United States a bill known as the world war adjusted compensation act (H. R. No. 14157); and

WHEREAS, It appears that the consensus of opinion of the veterans of the world war is overwhelmingly in favor of this bill in preference to any other solution of the problem of rendering to the veterans a part of their just due; and

WHEREAS, A failure to act promptly will in many instances be the equivalent of a denial of justice; therefore, be it

Resolved by the assembly and the senate, jointly, That the legislature of the State of California memorialize the congress of the United States for the passage of the said world war adjusted compensation act at an early date; and be it further

Resolved, That the senators and representatives in congress from the State of California be requested to use honorable means to secure the action desired in this matter for the purposes aforesaid; and be it further

Resolved, That a copy of these resolutions be forwarded to the president of the United States, to the presiding officers of both houses of congress, and to each of the senators and representatives in congress from the State of California, including those to assume office on March 4, 1921.

CHAPTER 18.

Assembly Concurrent Resolution No. 11—Approving certain amendments to the charter of the county of Tehama, State of California.

[Filed with Secretary of State January 28, 1921.]

WHEREAS, The county of Tehama, State of California, has at all times mentioned herein been and now is a body politic, and is now and has been since the ninth day of March, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of section seven and one-half of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the twenty-sixth day of October, 1915, and approved by the legislature of the State of California on the ninth day of March, 1917; and

Tehama
county
charter
amend-
ments.

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of a new charter for the county of Tehama as set out in the certificate of the chairman of the board of supervisors and the county and ex officio clerk of the board of supervisors of the county of Tehama, to wit:

STATE OF CALIFORNIA }
COUNTY OF TEHAMA. } SS.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF TEHAMA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF TEHAMA COUNTY, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY

Certificate.

Tehama
county
charter
amend-
ments.

OF TEHAMA, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY ON THE 2ND DAY OF NOVEMBER, 1920.

PREAMBLE.

BE IT KNOWN THAT:

WHEREAS, the County of Tehama, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the 9th day of March, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 26th day of October, 1915, and approved by the Legislature of the State of California, on the 9th day of March, 1917; (Statutes 1917, page 1877, et seq.) and

WHEREAS, on the 20th day of September, 1920, the Board of Supervisors of said County of Tehama, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said County certain amendments to the charter of said County by the submission of proposals for such amendments to said electors at the general election held November 2, 1920, and at the same time said Board duly ordered that said proposals be submitted to the qualified electors of said County for ratification or rejection at said general election, and further duly ordered that said proposals should be forthwith published ten times in the Red Bluff Daily News, a daily newspaper of general circulation printed, published and circulated in said County; and in said proposals, said proposed amendments were set forth in full and at length, and were and are in the words and figures hereinafter set forth; and

WHEREAS, thereafter, said proposals were duly published in full and at length in said newspaper for ten times and on the following dates, to-wit: September 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, and October 1, 1920, and as often during said time as said newspaper was regularly published; and said general election at which said proposals were submitted to the vote of the qualified electors of said County was not less than thirty days nor more than sixty days after publication of said proposals as aforesaid; and

WHEREAS, immediately subsequent to the said publication, said Board of Supervisors duly prescribed the form and title to be printed on the general election ballot to be used at said general election for the submission of said proposals, which said form and title is hereinafter set forth, and in which said form and under which said title said proposals appeared on said ballot; and

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 2, 1920, the County Clerk of said County duly filed in his office a notice of election, in which,

among other things and in addition to all other matters required by law, it was stated that said proposals would be submitted to the qualified electors of said County at said general election November 2, 1920; and said Clerk caused a copy of said notice to be posted in a prominent place in his office and on said notice said proposals appeared in the form and by the title prescribed by the Board of Supervisors and in the form and by the title said proposals appeared upon said ballot; and

Tehama
county
charter
amend-
ments.

WHEREAS, at said general election said proposals were duly submitted to the vote of the qualified electors of said County, and appeared on the general ballot at said election in the following form, to-wit:

“PROPOSED TEHAMA COUNTY CHARTER AMENDMENTS

TEHAMA COUNTY CHARTER AMENDMENT NO. 5.
Providing for the manner of advertising and purchasing annual supplies for the County offices.

TEHAMA COUNTY CHARTER AMENDMENT NO. 7.
Consolidated offices of Coroner and Public Administrator, Treasurer and Tax Collector and License Collector, Clerk and Recorder, County Physician and County Health Officer.

TEHAMA COUNTY CHARTER AMENDMENT NO. 8.
Making the County Superintendent's office an elective office and also providing for the election and term of office of other county officers and repealing all parts of the charter inconsistent therewith.

TEHAMA COUNTY CHARTER AMENDMENT NO. 9.
Providing for a Board of Appraisers to appraise real property of the County for the purpose of assessment and fixing the compensation, term of office, manner of selection, etc.

TEHAMA COUNTY CHARTER AMENDMENT NO. 24.
Relating to the naming of county roads and advertising for keeping the same in repair.”

And opposite each proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words “YES” and “NO”, with voting squares thereafter and in addition thereto said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, the County Clerk of said Tehama County mailed a printed copy of said proposed amendments inclosed in an envelope with a sample ballot, to each qualified elector within the said County of Tehama, at least ten days prior to the said 2nd day of November, 1920; and

WHEREAS, the returns of said general election held in the County of Tehama on the said November 2, 1920, at which election said proposals were submitted to the vote of the qualified electors of said county, were made to and canvassed by the Board of Supervisors of the County of Tehama, and it appeared therefrom and was so declared by the Board of Supervisors that 1409 votes were cast in favor of said proposed amendment No. 5, and that 1387 votes were cast against said proposed amendment No. 5; that 1668 votes were cast in favor of said proposed amendment No. 7, and that 1319 votes were cast against said proposed amendment No. 7; that 2512 votes were cast in favor of said proposed amendment No. 8, and that 699 votes were cast against said proposed amendment No. 8; that 1679 votes were cast in favor of said proposed amendment No. 9, and that 1476 votes were cast against said proposed amendment No. 9; that 1730 votes were cast in favor of said proposed amendment No. 24, and that 1240 votes were cast against said proposed amendment No. 24, and it appeared therefrom that a majority of the qualified electors of Tehama County voting thereon, at such general election, voted in favor of each of said proposed amendments above set forth, and said Board of Supervisors thereupon ordered and declared that said proposed amendments were ratified; and

WHEREAS, said amendments so ratified by the electors of said County of Tehama at said general election held on November 2, 1920, are now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, the undersigned, W. H. Samson, Chairman of the Board of Supervisors of the County of Tehama, State of California, and H. G. Kuhn, County Clerk and ex-officio Clerk of the Board of Supervisors of Tehama County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendments to said charter of said County, so ratified by the majority of the electors voting thereon at said general election held on the 2nd day of November, 1920, as submitted to said electors are in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to-wit:

AMENDMENT No. 5

Section 13 of Article 2 is amended to read as follows:

SECTION 13. Each County or District official or employee needing supplies or material during the fiscal year, must file with the Clerk of the Board of Supervisors on or before the first day of June of each year an estimate of all the supplies or material that he will need during the fiscal year. Before the first day of July following the Board of Supervisors must advertise for bids for the furnishing of any or all such supplies

Supplies
and
materials.

or material, or such thereof as may in the opinion of the Board of Supervisors be required, and at such times as such supplies or material may be needed. Such advertisement may be made in such manner as may be prescribed by the Board of Supervisors and shall state that itemized lists of such supplies or material are on file in the office of the County Clerk and there may be seen. Contracts must be let to the lowest responsible bidder. The Board shall reserve the right to reject any or all bids and to re-advertise or buy in the open market.

AMENDMENT No. 7.

Section 2, Article 3 is amended to read as follows:

SECTION 2. The following County officers are hereby consolidated: Officers consolidated

- (a) The Coroner shall be ex-officio Public Administrator.
- (b) The Treasurer shall be ex-officio Tax Collector and License Collector.
- (c) The Clerk shall be ex-officio Recorder.
- (d) The County Physician shall be ex-officio County Health Officer.

AMENDMENT No. 8.

Section 3, Article 3 is hereby amended to read as follows:

SECTION 3. At every general election after the ratification of this amendment and every four years thereafter, a Sheriff, County Clerk and Recorder, Treasurer and Tax Collector and License Collector, a Surveyor, a District Attorney, an Auditor, as Assessor, a Coroner and Public Administrator and a Superintendent of Schools shall be elected whose terms shall begin at noon on the first Monday after the first day of January next succeeding their election and end on the first Monday after the first day of January four years thereafter. All elective County officers shall hold office until their successors are elected and qualified. All the parts of this charter inconsistent with this section are hereby repealed. Elective officers.

AMENDMENT No. 9.

A new section to be designated as Section 6, Article 3 of said charter, shall read as follows:

SECTION 6. A Board of Appraisers of real property is hereby created whose powers, duties, term of office and salary shall be as follows: Duty: To appraise the real property of the County at its full cash value every year, as conditions demand, basing such appraisal upon the classification of such real property as established by the Board of Supervisors, working in connection with the County Assessor. Assessor to assess all real property upon valuations established by Board of Appraisers. Appraisers to make complete report to Assessor, Supervisors and Superior Judge annually before the fixing of rates by Supervisors each year. Appraisers paid \$5.00 per day and all actual expenses, mileage, board and room, while Board of appraisers

engaged in the work, and allowed 60 days per year in which to do it (or less as the work demands). Also allowed necessary supplies, stationery, etc., with an office in which to work.

Election of Appraisers: After the passage of this amendment, the Board of Appraisers shall be appointed by the Board of Supervisors—three of said Board to hold office until the regular election of 1922, and two to hold office until the regular election of 1924, when as each term expires the successor shall be elected to serve four years.

An Appraiser shall be elected or appointed from each of the several supervisorial districts, and he shall be a resident elector thereof.

AMENDMENT No. 24.

Section 2, Article 8 is amended to read as follows:

Naming
of roads.

SECTION 2. It shall be the duty of the Board of Supervisors to have all the public roads in the County named or numbered and the length of each road ascertained. Each Road Commissioner shall be provided with a list of the roads in his district giving name or number and the length of each road. The work on any or all roads may be let by contract to the lowest responsible bidder living in the County, and for this purpose the Board may advertise for sealed bids to construct or put in repair or keep in repair any of the public roads in the County for the following year," and

We further certify hereby that the facts set forth in the preamble of this certificate preceding said amendments to said charter are and each of them is true.

And, for and on behalf of said County of Tehama, we, being hereinbefore duly authorized, do hereby required the legislature of the State of California, to approve said amendments to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of Tehama County, State of California, this 13th day of December, 1920.

W. H. SAMSON,

[SEAL]

Chairman of Board of Supervisors of
Tehama County, State of California.

ATTEST: H. G. KUHN,
County Clerk and ex-officio Clerk
of the Board of Supervisors of
Tehama County, California.

WHEREAS, Said proposed amendments to the charter of the county of Tehama have been submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section seven and one-half of article eleven

of the constitution of the State of California; now therefore, be it

Resolved by the assembly of the State of California, the senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of Tehama as proposed, adopted and ratified by the electors of said county of Tehama and as hereinbefore set forth being the same is hereby approved as a whole without amendment or alteration and as amendments to and as a part of the charter of the county of Tehama.

Approval by
legislature.

CHAPTER 19.

Assembly Joint Resolution No. 12—Relating to the protection of citrus fruits and their by-products.

[Filed with Secretary of State January 28, 1921.]

WHEREAS, Foreign competition is desperately seeking our unprotected markets; and

WHEREAS, It is reported that great quantities of citrus fruits have been placed upon the American markets in competition with the same products produced by American farmers and the American markets have as a result been almost completely demoralized and quotations reduced to a point where the American farmer must sell at a price less than the cost of productions; and

Protection
of citrus
fruits.

WHEREAS, California, the premier citrus fruit growing state, is confronted with this lamentable situation which is producing unrest in the minds of its people; and

WHEREAS, The citrus fruit industry of California, which is one of the oldest and most distinctive industries of the state, now faces extinction unless some adequate protection is granted; and

WHEREAS, Millions of dollars now invested in this industry is at stake; therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California hereby memorializes congress to provide adequate protection to the citrus market in the form of an increased tariff upon the importation of such products and by-products; and be it further

Resolved, That our senators and legislators in congress be and they are hereby requested to use all honorable means to secure the adoption of such measures which will afford adequate protection to the industry; and be it further

Resolved, That the secretary of the senate be and he is hereby instructed to forward copies of the resolution to each of our senators and representatives in congress and to each of the members of the respective committees of ways and means of the senate of the United States and of the house of representatives.

CHAPTER 20.

Vallejo
city
charter
amend-
ments.

Assembly Concurrent Resolution No. 13—Approving two certain amendments to the charter of the city of Vallejo, county of Solano, State of California, voted for and ratified by a majority of the qualified electors of the said city of Vallejo, at a special municipal election held therein on the twenty-eighth day of October 1920.

[Filed with Secretary of State January 28, 1921.]

WHEREAS, The city of Vallejo, in the county of Solano, State of California, contains a population of over ten thousand inhabitants and has been ever since the year of 1911 and is now, organized and acting under a freeholders' charter adopted under and by virtue of section eight, article eleven, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the twenty-first day of February, 1911, and approved by the legislature of said State of California on the eleventh day of March, 1911 (Statutes of 1911, pages 1958 to 2031, inclusive); and

WHEREAS, The city council of said city of Vallejo did, by resolution adopted by said city council on the fourteenth day of September, 1920, and approved by the mayor of said city on the fourteenth day of September, 1920, and pursuant to section eight, of article eleven, of said constitution of the State of California, duly propose to be qualified electors of said city of Vallejo, four certain amendments to the charter of said city to be submitted to said qualified electors at a special municipal election to be held in said city on the twenty-eighth day of October, 1920; and

WHEREAS, Said four proposed amendments were and each of them was, published for one (1) day in a daily newspaper printed and published in said city, and of general circulation therein, to wit: "The Vallejo Evening News," said publication ending on the seventeenth day of September, 1920; and

WHEREAS, Thereafter the city council of said city did, by ordinance which was duly adopted on the twenty-second day of September, 1920, and approved by the mayor of said city on the twenty-second day of September, 1920, order the holding of a special municipal election in said city of Vallejo on the twenty-eighth day of October, 1920, which last named date was not less than forty (40) days nor more than sixty (60) days after the publication of said proposed amendments, which had been published once as aforesaid, and did provide in said ordinance for the submission of said four proposed amendments to the said charter to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was published as required by law and the charter of said city, prior to the time appointed for the holding of

such election in the "Vallejo Evening News," a daily newspaper printed and published in said city; and

Vallejo city charter amendments.

WHEREAS, Said four charter amendments were published in pamphlet form and it was duly advertised in the "Vallejo Evening News," a daily paper of general circulation in the county of Solano; that copies of said pamphlets could be secured from the city clerk of the city of Vallejo, where said copies were kept, and further a copy of said pamphlet was mailed to each voter registered thirty (30) days prior to said election; and

WHEREAS, At said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify two of said four proposed amendments, to wit: Numbers two and four thereof, but did not ratify numbers one and three of said proposed amendments; and

WHEREAS, The city council of said city at a regular meeting thereof, held within four days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each of said two of said proposed amendments, and rejected said numbers one and three; and

WHEREAS, The mayor and city clerk of said city did, on the tenth day of November, 1920, duly certify to the submission to the qualified electors of said city of said four proposed amendments to said charter and the ratification of said two of such amendments, and did further certify to a copy of said two proposed amendments authenticated by the seal of said city of Vallejo, which said certificate is in the words and figures following, to wit:

STATE OF CALIFORNIA, }
COUNTY OF SOLANO, } SS.
CITY OF VALLEJO. }

We, the undersigned, Jas. Roney, Mayor of the City of Vallejo, State of California, and Alf. E. Edgecombe, City Clerk of said city, do hereby certify and declare as follows:

That the City of Vallejo, in the County of Solano, State of California, contains a population of over twenty thousand inhabitants, and has ever since the year 1911, and is now organized and acting under a freholder's charter, adopted under and by virtue of Section 8, of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 21st day of February, 1911, and approved by the legislature of the State aforesaid, on the 11th day of March, 1911.

That the City Council of said city of Vallejo did by resolution adopted by said city council on the 14th day of September, 1920, and approved by the Mayor of said City on the 14th day of September, 1920, pursuant to Section 8 of Article XI of the Constitution of the said State of California, duly propose to the qualified electors of said city four certain amend-

ments to the charter of such city to be submitted to said qualified electors at a special municipal election to be held in said city on the 28th day of October, 1920, and that two of said amendments ratified as hereinafter set forth were and are in words and figures following, to-wit:

CHARTER AMENDMENT NO. TWO.

That subdivision (2) of Section 19 of Articles V of the Charter of the City of Vallejo, relating to salaries, be amended so as to read as follows:

Salary of auditor.

(2) The Auditor and ex-officio Assessor shall receive an annual salary of \$2400 payable in equal semi-monthly installments.

CHARTER AMENDMENT NO. FOUR.

That Section 120 of Article 16 of the Charter of the City of Vallejo, relating to compensations of the Chief of Police, Sergeants and patrolmen, be amended so as to read as follows:

Salaries in police department.

The annual compensation of members of the Police Department shall be fixed by the City Council, and shall be paid in equal semi-monthly installments.

That said two proposed amendments were, and each of them was, published for one (1) time in a daily newspaper printed and published in said city and of general circulation therein, to-wit: "The Vallejo Evening News" and that said publication ended on the 17th day of September, 1920;

Certificate.

That thereafter, the city council of said city, did, by Ordinance No. 349, N. S., which was duly adopted on the 22nd day of September, 1920, and approved by the Mayor on the 22nd day of September, 1920, order the holding of a special municipal election in said city of Vallejo, on the 28th day of October, 1920, which last named date was not less than forty (40) days nor more than sixty (60) days after the publication of said proposed amendments which had been published one time as aforesaid, and did provide in said ordinance for the submission of said two proposed amendments to the city charter to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was passed and approved as aforesaid and was published as required by law and the charter of said city;

That said four charter amendments were published in pamphlet form and it was duly advertised in the Vallejo Evening News, a daily paper of general circulation in the County of Solano. That copies of said pamphlets could be secured from the City Clerk of the City of Vallejo where said copies were kept. And further a copy of said pamphlet was mailed to each voter registered thirty (30) days prior to said election;

That at said election a majority of the qualified electors voting thereon, voted in favor of the ratification and did ratify each and all of said four proposed amendments to the charter of said city of Vallejo, except such proposed amendments num-

bers one and three did not receive a majority of the votes of the qualified electors voting thereon in favor of the ratification of said proposed amendments at said election;

That the city council of said City of Vallejo, at a regular meeting, and within four days after said election, and within the time and in the manner required by law and the charter of said city, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of said two proposed amendments to the charter;

We do further certify and declare that the copy of said proposed amendments to the charter of the City of Vallejo hereinbefore set forth in full, true and correct copy of said two certain proposed amendments to the charter of the city of Vallejo, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at a special municipal election duly called and held in said city on the 28th day of October, 1920.

IN WITNESS WHEREOF. We have hereunto set our hands and affixed the corporate seal of the City of Vallejo, this 10th day of November, 1920.

JAS. RONEY,
Mayor of the City of Vallejo.

[SEAL]

ALF. E. EDGUMBE,
City Clerk of the City of Vallejo.

And

WHEREAS, The said two amendments so ratified as hereinbefore set forth have been duly presented and submitted to the legislature of the State of California, for approval or rejection without the power of alteration or amendment, in accordance with section eight of article nine of the constitution of the State of California;

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to said charter herein set forth as presented and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the said city of Vallejo.

Approval by
legislature.

CHAPTER 21.

Assembly Joint Resolution No. 16—Relative to imposing temporary duties upon certain agricultural products to meet present emergencies.

[Filed with Secretary of State January 28, 1921.]

Temporary
duties on
certain
agricul-
tural
products.

WHEREAS, Agriculture is the basic industry of our country; and

WHEREAS, The American farmers have just harvested one of the largest crops in the history of the nation; and

WHEREAS, Large volumes of foreign products are now being imported from foreign countries due to unprecedented world-wide economic conditions; and

WHEREAS, Many lines of this great agricultural industry are now seriously menaced by this situation; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby memorializes congress to enact the emergency tariff measure (H. R. 15275) now before that body, imposing temporary duties upon certain agricultural products; and be it further

Resolved, That our senators and representatives in congress be and are hereby urged and requested to use all honorable means to secure the adoption of this measure; and be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to each of our representatives and senators in congress, and to each of the members of the ways and means committee of the United States senate.

CHAPTER 22.

Assembly Joint Resolution No. 18—Relative to the protection of the dairy industry.

[Filed with Secretary of State January 28, 1921.]

Protection
of dairy
industry.

WHEREAS, The dairy industry of California is one of the most important industries of the country and producing annually many millions of dollars; and

WHEREAS, Butter is being imported in enormous quantities into our local markets; and

WHEREAS, The dairy industry of California now faces a grave menace which can not be avoided unless such protection is granted as will afford an adequate safeguard to the investments of American dairymen; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California hereby memorializes congress to adopt such measures as will afford adequate and proper protection to the dairy industry of this country; and be it further

Resolved, That our senators and representatives in congress be and they are hereby urged and requested to use all honorable means to secure the adoption of such a tariff; and be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to each of our senators and representatives in congress, to each of the members of the ways and means committee of the house of representatives and to the members of the United States tariff commission now meeting at Washington.

CHAPTER 23.

Senate Concurrent Resolution No. 5—Relative to the adjournment of the legislature for the constitutional recess and to the reassembling of the legislature after said recess and fixing the date for said adjournment and reassembling.

[Filed with Secretary of State January 28, 1921.]

WHEREAS, Section two of article four of the constitution of the State of California requires that, after the legislature has been in session for a period not exceeding thirty days, a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

Adjournment for constitutional recess.

Resolved by the senate, the assembly concurring, That the forty-fourth session of the legislature of the State of California shall adjourn for said recess at six o'clock p.m. on Monday, January 24, 1921, and shall reassemble at the hour of twelve o'clock noon on Thursday, February 24, 1921.

CHAPTER 24.

Senate Joint Resolution No. 9—Relative to the construction by the United States reclamation service or other public agency in Long valley, Lassen county, California, of a unit of the Truckee-Carson project under construction by the United States reclamation service in Nevada.

[Filed with Secretary of State January 28, 1921.]

WHEREAS, In the organization of the United States reclamation service it was understood that the proceeds from the sale of public lands should be used so far as practicable in the states from which such money was received for the construction of works for the reclamation of arid lands therein; and

Unit of Truckee-Carson project in Long valley, Lassen county.

WHEREAS, The amount of money so received from the State of California has been greatly in excess of such reclamation work done in the State of California; and

WITHEREAS, The water from streams having their source in California is being used for the irrigation of lands in the Truckee-Carson project in Nevada; and

WITHEREAS, The land lying in Long valley in Lassen county in the State of California must depend for its supply of water for irrigation, among other sources upon the Little Truckee river, some of the waters of which are used in the Truckee-Carson project in Nevada; and

WITHEREAS, Said Long valley, from an engineering and physical standpoint can be made a logical unit of the Truckee-Carson project, is exceedingly fertile, and would be occupied and cultivated without the long delay in development which is taking place in other units of said project, and affords an ideal opportunity for the application of the principles underlying the work of the reclamation service;

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby memorializes congress to provide for the incorporation of Long valley, and more particularly of the lands lying within the southern Lassen and Long valley irrigation districts within such Truckee-Carson project, or otherwise to provide for the immediate construction of works for the irrigation thereof from the Little Truckee river; and be it further

Resolved, That our senators and representatives in congress be and they are hereby urgently requested to take such steps as may be necessary to bring about the commencement of such work at the earliest possible date, and that the United States reclamation service be urged to incorporate the said territory within the plans adopted for the utilization of the waters of the Truckee and Little Truckee rivers.

Resolved, further, That the secretary of the senate be and is hereby directed to forward copies of this resolution to the president of the senate, the speaker of the house of representatives, each of the senators and representatives from California in congress, and to the United States reclamation service at Washington.

CHAPTER 25.

Senate Concurrent Resolution No. 20—Relating to an investigation of the procedure and decisions of the railroad commission.

[Filed with Secretary of State January 28, 1921.]

Investigation of procedure and decisions of railroad commission.

WHEREAS, It is reported that a large number of consumers of products and services dispensed by public service corporations are dissatisfied with the decisions and procedure of the railroad commission of the State of California and are demanding relief; and

WHEREAS, Whether or not this dissatisfaction is well founded or is brought about by misinformation or ignorance of the legal points involved, it is for the best interest of both the people as a whole and of the commission itself that these consumers be given an opportunity to present their complaints and of expressing their views thereon to the end that the said commission may be restored to that confidence in the minds of the people that it once enjoyed, or if said complaints be found to be based upon facts, that a remedy be found through legislative action; therefore be it

Resolved by the senate, the assembly concurring, That the speaker of the assembly shall appoint three members and the president of the senate shall appoint two members, who shall act as a committee of the legislature to investigate the matters herein referred to and of affording the public an opportunity of presenting their complaints and their suggestions as to remedies; and be it further

Resolved, That the committee shall hold hearings during the constitutional recess to obtain data in regard to said matters and to submit their report thereon to the committees on public utilities of both houses on the first legislative day following the constitutional recess; and be it further

Resolved, That the committee shall have power to employ such assistants as it may deem necessary and that the expenses incurred in such investigation, not to exceed the sum of one thousand four hundred dollars, shall be paid equally by the assembly and senate out of their respective contingent funds.

CHAPTER 26.

Senate Concurrent Resolution No. 6—Relative to amendment to the charter of the city of Salinas voted and ratified by the electors of said city, at the regular election held on the second day of November, 1920.

[Filed with Secretary of State February 14, 1921.]

WHEREAS, The city of Salinas, State of California, now is and was at all times herein mentioned a city containing a population of more than three thousand five hundred inhabitants, and is now organized, existing and acting under a freeholder's charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, and which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the fifth day of November, 1918, and approved by the legislature of the State of California, by concurrent resolution filed with the secretary of state on the twenty-fourth day of January, 1919.

Salinas
city
charter
amend-
ment.

WHEREAS, The legislative authority of said city namely, the council thereof, duly proposed to the qualified electors of the

city of Salinas, an amendment to the charter of said city which said proposed amendment was in accordance with the provisions of section eight (8) article eleven (11) of the constitution of the State of California, published in the official paper of said city, the *Salinas Daily Index* a daily newspaper of general circulation in said city of Salinas, for one (1) day after its passage on to wit: the tenth day of September, 1920; and

WHEREAS, Copies of said proposed amendment were printed in convenient pamphlet form and until the date fixed for said election to wit the second day of November, 1920, an advertisement was published in said *Salinas Daily Index*, and the *Salinas Daily Journal*, each a daily newspaper of general circulation published in said city of Salinas, giving notice that copies of said proposed amendment could be had upon application therefor at the office of the city clerk; and

WHEREAS, Such copies were available and could be had upon application therefor before election until the day fixed for said election; and

WHEREAS, Said election was duly called and held on said second day of November, 1920, which was not less than forty days and not more than sixty days after the completion of said advertising of said proposed amendment in said official paper, the said *Salinas Daily Index* of said city of Salinas, to wit: the tenth day of September, 1920, and whereat a majority of the qualified electors voting thereon voted in favor of a ratification and did ratify said amendment to said charter; and

WHEREAS, The returns of said election were duly and regularly canvassed and declared in time, form and manner as required by law, whereupon there was duly found, determined and declared by the council of the said city that a majority of the qualified electors of said city, voting thereon had voted for said amendment to the charter of the said city of Salinas, and which said amendment is hereinafter set forth and is in words and figures as follows, to wit:

BOUNDARIES.

Boundaries.

Sec. 4. Commencing at a point north nine degrees and thirty minutes west, four thousand five hundred seventy-two and forty-eight one hundredths feet from the monument at the intersection of the center lines of Main and Gabilan Streets in the City of Salinas, thence at right angles to the center line of said Main Street, north eighty degrees and thirty minutes east, one thousand six hundred seventy-four and twenty-four one hundredths feet to the east side of the road leading from the city of Salinas to the town of San Juan; thence along the east side of said road north three degrees and thirty minutes east, three thousand three hundred twelve and three-quarter feet to the northwest corner of the tract of land containing Sherwood Park and Race Track; thence along the north boundary of said tract south eighty-six degrees and forty-five

minutes east, one thousand eighty and one-half feet to the northeast corner of said park and race track grounds; thence along the east side of said park and race track grounds south three degrees and fifteen minutes west, three thousand and sixty-five feet to station; thence north eighty degrees and thirty minutes east, one thousand seven hundred seventy-four and one-half feet to the northeast corner of the City of Salinas; thence south nine degrees and thirty minutes east, nine thousand one hundred and forty-five feet to the southeast corner of said city; thence south eighty degrees and thirty minutes west, nine thousand one hundred and forty-five feet to the southwest corner of said city; thence north nine degrees and thirty minutes west, nine thousand one hundred and forty-five feet to the northwest corner of said city; thence north eighty degrees and thirty minutes east, four thousand five hundred seventy-two and one-half feet to the place of beginning.

City of Salinas, }
 County of Monterey, } ss.
 State of California, }

This is to certify that we, G. A. Daugherty mayor of the City of Salinas, and M. R. Keef City Clerk, of said City, have compared the foregoing proposed and ratified amendment to the charter of the City of Salinas, with the original proposal submitted to the electors of said City at the general election held on Tuesday, the 2nd day of November, 1920, and find that the foregoing is a full, true and correct copy of the amendment so ratified and we further find that the facts set forth in the preamble preceeding said amendment are and each of them is true. Certificate

IN WITNESS WHEREOF we have herunto set our hands and caused the corporate seal of the City of Salinas to be attached, this 30th day of December, 1920.

G. A. DAUGHERTY,
 Mayor of the City of Salinas.

(Seal)

M. K. KEEF,
 City Clerk of the City of Salinas.

WHEREAS, The said proposed amendment is now submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with section eight article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the said charter herein set forth as presented and ratified by the qualified electors of said city be, and the same is hereby approved as a whole without amendment or alteration, for and as amendment to, and as a part of the charter of said city of Salinas. Approval by legislature.

CHAPTER 27.

Senate Concurrent Resolution No. 16—Relative to joint rules of senate and assembly.

[Filed with Secretary of State February 14, 1921.]

Resolved by the senate, the assembly concurring, That the following be adopted as the joint rules of the two houses of the legislature for its forty-fourth session:

COMMITTEES AND COMMITTEE MEETINGS.

STANDING COMMITTEES.

Joint
rules of
senate and
assembly.

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the senate and assembly, the number of members and the manner of selection to be determined by the rules of each house:

- (1) Agriculture.
- (2) Banking.
- (3) Commerce and navigation.
- (4) Corporations.
- (5) County government.
- (6) Drainage, swamp and overflowed lands.
- (7) Education.
- (8) Elections.
- (9) Federal relations.
- (10) Finance in the senate and ways and means in the assembly.
- (11) Fish and game.
- (12) Hospitals and asylums.
- (13) Insurance.
- (14) Irrigation.
- (15) Judiciary.
- (16) Labor and capital.
- (17) Military affairs.
- (18) Mines and mining.
- (19) Municipal corporations.
- (20) Oil industries.
- (21) Prisons and reformatories.
- (22) Public health and quarantine.
- (23) Public morals.
- (24) Public utilities.
- (25) Revenue and taxation.
- (26) Roads and highways.
- (27) Rules.

JOINT COMMITTEES.

2. Joint standing committees of senate and assembly shall be appointed as follows:

- (1) Committee on revision and printing, to consist of three
- (3) members from the senate and five (5) from the assembly.

(2) Committee on joint rules, to consist of the members of the rules committee of each house.

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rules of
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and
assembly.

JOINT MEETING OF COMMITTEES.

3. Whenever any bill has been referred by the senate to one of its committees, and the same or a like bill has been referred by the assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

BILLS AND RESOLUTIONS.

SCOPE OF WORD "BILL."

4. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions.

JOINT AND CONCURRENT RESOLUTIONS.

5. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the legislature are concurrent resolutions.

RESOLUTIONS TREATED AS BILLS.

6. Joint resolutions, concurrent resolutions and constitutional amendments shall be treated in all respects as bills; except that they shall be read but one time in each house, and that they shall not be deemed bills within the meaning of section two of article four of the constitution and shall not be referred to the committee on introduction of bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

PREPARATION AND INTRODUCTION OF BILLS.

TITLE OF BILL.

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

DIVISION OF BILL INTO SECTIONS.

8. Bills amending more than one section of existing laws shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that

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future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

CHANGES FROM EXISTING LAWS TO BE MARKED BY AUTHOR.

9. In case of a bill amending a code section, or general law, all omissions must be shown by the insertion of heavy parentheses or brackets without including the omitted matter; all additions must be shown by underlining the new matter. When printed, the new matter so underlined shall be enclosed in heavy brackets in the printed bill and also heavy brackets shall be retained to show omissions.

COMMITTEE ON REVISION AND PRINTING TO EXAMINE BILLS WHEN INTRODUCED.

10. Unless otherwise ordered by the house in which the bill was introduced, all bills before being printed shall be immediately sent to the committee on revision and printing, which shall examine the bill, with the aid of the legislative counsel bureau. The committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar, phraseology, or in the form of the bill; *provided*, that no bill which bears the stamp of the legislative counsel bureau showing that before introduction it has been examined as to form, shall be sent to the committee on revision and printing.

NOTE.—The submission of bill copy to legislative counsel bureau for approval of form before introduction will expedite its course.

BILLS INTRODUCED TO INDICATE CHANGES IN EXISTING LAWS.

11. The committee on revision and printing shall see to it that rules seven and nine of these joint rules are observed by the author, and that the bill shall not be sent to the printer until the provisions of these rules have been carried out.

REPORTS OF COMMITTEE ON REVISION AND PRINTING.

12. The committee on revision and printing shall return to the secretary of the senate or chief clerk of the assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered.

ENDORSEMENT OF DATE OF INTRODUCTION.

13. Bills introduced in either house shall be endorsed with the date of introduction.

PRINTING AND DISTRIBUTION OF BILLS.

MANNER OF PRINTING BILLS, ETC.

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rules of
senate
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assembly.

14. The state printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the bills shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; *provided, however*, that concurrent resolutions approving city or county or city and county charters or amendments thereto may be set in smaller type and without line numbers.

(d) Enrolled bills may be inclosed in stock cover.

PRINTING OF AMENDMENTS.

15. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendments, such new matter shall be inclosed in heavy parentheses in the printed bill, and in the case of matter being omitted, the omission shall also be indicated by heavy parentheses. When a bill is amended in either house, the first or previous markings, except that showing change from code provision or former law, shall be omitted. When a bill amendatory of a code section is engrossed, all figures or symbols shall be removed.

DISTRIBUTION OF BILLS DURING CONSTITUTIONAL RECESS.

16. All requests for mailing or distribution by the members shall be filed with the secretary of the senate or chief clerk of the assembly who shall compile the same with the elimination of duplication as a general mailing list. The distribution of bills, constitutional amendments, joint and concurrent resolutions shall be systematized as follows: Members' desks and legislative officers' files one hundred fifty full sets; to authors fifty copies of their own bills; accredited newspaper representatives twenty-five; to public and law libraries, newspapers, county officials, and other civic, commercial, fraternal or industrial organizations as the secretary of the senate and chief clerk of the assembly may compile from the recommendations of the members of both houses, one thousand two hundred copies; to state officers, state library and secretary of state, two hundred copies; to legislative committees, bill room files and public requests—confined to single copies of bills designated, one thousand copies. The state printer shall cause to be printed in the standard form adopted by the senate and the assembly as many copies of all bills, constitutional amend-

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ments and joint or concurrent resolutions as may be necessary to conform to the provisions of this rule.

A similar number and distribution shall be made of the semifinal history and final calendar.

DISTRIBUTION OF BILLS AFTER CONSTITUTIONAL RECESS.

17. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly histories and journals shall be distributed generally, following the recess, upon such schedule as the secretary of the senate and chief clerk of the assembly may designate.

OTHER LEGISLATIVE PRINTING.

PRINTING OF THE DAILY JOURNAL.

18. The state printer shall print one thousand copies of the journal of each day's proceedings of each house; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the secretary of the senate and chief clerk of the assembly, to bind in book form as the journal of the respective houses of the legislature as required by law.

WHAT SHALL BE PRINTED IN THE JOURNAL.

19. The following shall always be printed in the journal of each house:

(a) Messages from the governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house, and the title and text of joint and concurrent resolutions and constitutional amendments when adopted by the house; *provided*, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the journal.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial, or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

PRINTING OF THE DAILY FILE.

20. A daily file of bills ready for consideration shall be printed each day for each house, and copies of the file of each house shall be distributed each day to all of the members of both houses.

PRINTING OF HISTORY.

21. Each house shall cause to be printed on Monday of each week, during the session, a complete history of all bills, joint or concurrent resolutions and constitutional amendments originating in, or acted upon by the respective houses.

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Such history shall show the action taken upon each measure, up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the history shall be compiled and printed to date of recess.

AUTHORITY FOR PRINTING ORDERS.

22. The superintendent of state printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the secretary of the senate or the chief clerk of the assembly. The secretary of the senate and the chief clerk of the assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

RECORD OF BILLS.

SECRETARY AND CHIEF CLERK TO KEEP REGISTER.

23. The secretary of the senate and the chief clerk of the assembly shall keep a register, in which shall be recorded every action taken by the senate and assembly on every bill, concurrent or joint resolution, or constitutional amendment.

SECRETARY AND CHIEF CLERK SHALL ENDORSE BILLS.

24. The secretary of the senate and the chief clerk of the assembly shall endorse on every original bill a statement of any action taken by the senate and assembly.

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER.

BILLS READ AND REFERRED TO COMMITTEE.

25. When a senate bill has been received by the assembly or an assembly bill by the senate, with a message announcing that the same has passed the senate or assembly, such bill shall be read the first time by the secretary or the chief clerk and referred to a standing committee by the presiding officer, unless otherwise ordered by the house.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

26. When a bill (if it be a senate bill) has been received from the senate by the assembly, after its passage, or (if it be an assembly bill) has been received from the assembly by the

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senate after its passage, it shall be taken up by the senate or assembly, as the case may be, under the regular order of business ("senate messages" or "assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the senate or assembly forthwith, and the chairman of each committee is charged with observance of this rule.

SPECIAL FILE.

27. On the second day after the close of the recess provided for in section two, article four, of the constitution, the senate and assembly shall each adopt and provide a special file upon which shall be placed: In the senate, only assembly bills that have passed the assembly; and in the assembly, only senate bills that have passed the senate. Such special file shall be taken up at two o'clock p. m. of each day, and be considered at least one hour and a half after being so taken up unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house.

REPORTS FROM ONE HOUSE TO THE OTHER AS TO ACTION ON BILL.

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER,
REQUIRES NOTICE.

28. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

EACH HOUSE TO TRANSMIT PAPERS.

29. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

NOTICES TO BE IN WRITING UNDER PROPER SIGNATURES.

30. Notice of the action of either house to the other shall be in writing, and under the signature of the secretary of the senate or the chief clerk of the house from which such notice is to be conveyed.

SECRETARY, CHIEF CLERK, ETC., TO DISPATCH MESSAGES.

31. Messages shall be sent to the other house by an officer or attache to be designated by the secretary, if it be a senate message, or by the chief clerk, if it is an assembly message.

MESSAGES MUST BE ANNOUNCED BY THE SERGEANT-AT-ARMS.

32. When a message shall be sent from either house it shall be announced at the door by the sergeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

PASSAGE AND ENROLLING OF BILLS.

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PASSAGE OF BILLS TAKING EFFECT IMMEDIATELY.

33. Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section one, article four, of the constitution.

PASSAGE OF URGENCY PROVISIONS IN BILLS.

34. Upon the third reading of an act which is an urgency measure within the meaning of section one, article four of the state constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section setting forth the urgency features of this bill be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

PASSAGE OF BILLS PRECEDING FINAL ADJOURNMENT.

35. No senate bill shall be passed by the senate and no assembly bill shall be passed by the assembly within seven days of the time set for adjournment (*sine die*) of the two houses of the legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

ENROLLMENT OF BILL AFTER PASSAGE.

36. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared, by the engrossing and enrolling clerk and committee of the house in which it originated, with the engrossed bill as passed in the two houses. It shall then receive the signatures provided for in joint rule thirty-seven, and be presented to the governor of the state.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

37. After a bill shall have been thus passed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the governor of the state for his approval (it being first endorsed by the presiding officers of the two houses, and by the secretary of the senate and chief clerk of the assembly). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated.

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AMENDMENTS AND CONFERENCES.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

38. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the senate, or the chief clerk or assistant clerk of the assembly, as the case may be; *provided, however*, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

39. In case the senate amend and pass an assembly bill, or the assembly amend and pass a senate bill, the senate (if it be a senate bill) or the assembly (if it be an assembly bill) must either "concur" or "refuse to concur" in the amendments. If the senate concur (if it be a senate bill), or the assembly concur (if it be an assembly bill), the secretary or chief clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

40. If the senate refuse to concur (if it be a senate bill), or the assembly refuse to concur (if it be an assembly bill), the secretary or the chief clerk shall notify the house making the amendments of such refusal, and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on conference and the secretary or the chief clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first senator named on the conference committee shall act as chairman of the committee from the senate, and the first assemblyman named on such committee shall act as chairman of the committee from the house, and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the senate and assembly.

COMMITTEE ON CONFERENCE.

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assembly.

41. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

COMMITTEE ON FREE CONFERENCE.

42. If the conference fail to agree or either house refuse to adopt the report of the committee, a committee on free conference shall then be appointed which shall consist of three members from each house to be constituted and appointed in the same manner as a committee on conference. The committee on free conference is hereby directed to include in its report any amendments which it may adopt as a committee, and such amendments shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of a committee on free conference on the same bill.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

43. The presentation of the report of a committee on conference or free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MISCELLANEOUS PROVISIONS.

44. The committee on joint rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the legislature.

PRESS RULES.

45. A person desiring recognition by the senate or assembly as a newspaper correspondent shall make application in writing to the president of the senate or speaker of the assembly.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged, and will not become engaged as a lobbyist for any person, copartnership, corporation or interest and that he is not and will not become the agent or representative of any person,

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copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the legislature, that he is not employed in any executive, administrative or legislative department of the state government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the president of the senate and the speaker of the assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the superintendent of capitol building and grounds; *provided*, that all rules and regulations shall be approved by the president of the senate and speaker of the assembly.

ADJOURNMENT.

46. Adjournment for the constitutional recess and adjournment *sine die* shall be made only by concurrent resolution; and the resolution for adjournment *sine die* shall be passed by both houses at least twenty-eight days before the date of such adjournment.

JOINT ADDRESS TO GOVERNOR.

47. When the senate and assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the senate in the presence of the speaker of the assembly and a select committee of six members from each house appointed by the respective presiding officers.

DISPENSING WITH JOINT RULES.

48. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and joint rules twenty-seven and thirty-five can be dispensed with only in the manner provided for in said joint rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or the chief clerk to mark the section or sections in conflict with the rules as nonconcurring or negatived.

CHAPTER 28.

Senate Concurrent Resolution No. 21—Relative to reorganization of state government.

[Filed with Secretary of State March 5, 1921.]

Invitation
to Hon.
Frank O.
Lowden.

WHEREAS, There are pending before this legislature numerous bills and plans relating to the reorganization of the state government and the reduction of the expenses of state government; and

WHEREAS, It is of the utmost importance that all possible information and enlightenment which will be of assistance to this legislature and the individual members thereof should be obtained to the end that legislation will be finally enacted which will secure the desired results, to wit, the highest efficiency in state government with the least possible cost; and

WHEREAS, In the state of Illinois during the administration of the Honorable Frank O. Lowden, the then governor thereof, a plan of government was evolved and placed in operation which it is claimed has resulted in increased efficiency in governmental matters with great economy; now, therefore, be it

Resolved, That the Honorable Frank O. Lowden, former governor of the state of Illinois, who is now visiting in the State of California, be and he is hereby cordially invited to address the senate and assembly of the State of California in joint session assembled, on a day and at an hour to be selected, on the question of "reorganization of state government," and that he be particularly invited to describe and explain the methods and plans formulated and enacted into law during his administration as governor of the state of Illinois whereby greater efficiency and economy was realized in the government of said state; and be it further

Resolved, That a special committee of two members from the senate and three members from the assembly be appointed by the presiding officers of the respective houses to issue the invitation extended to Governor Lowden hereunder and to make any and all necessary plans and arrangements for his address in the event of his acceptance, and that the privileges of the assembly chamber be accorded to such committee for the purposes of such meeting at such time as it may select.

CHAPTER 29.

Senate Concurrent Resolution No. 23—Relative to proposed world's exposition in the city of Portland, Oregon, in the year 1925.

[Filed with Secretary of State April 1, 1921.]

WHEREAS, It is proposed by the State of Oregon to hold a world's exposition in the city of Portland in the year 1925, which is designed to be a great demonstration of the progress of peaceful arts; and

WHEREAS, This step is designed to signalize the return by the world to the normal enjoyment of peace and progress and deserves the commendation of the world; now, therefore, be it

Resolved by the senate of the State of California, the assembly concurring therein, That the legislature of the State of California endorse and commend the world exposition to be held at Portland in the State of Oregon in the year 1925.

World
exposition
in Portland,
Oregon.

CHAPTER 30.

Assembly Concurrent Resolution No. 29—Relative to the adjournment of the legislature.

[Filed with Secretary of State April 7, 1921.]

Adjournment of legislature.

Resolved by the assembly, the senate concurring, That the forty-fourth session of the California legislature do adjourn *sine die*, at twelve o'clock noon, Friday, April 29, 1921.

CHAPTER 31.

Senate Joint Resolution No. 24—Relative to the protection of the almond industry.

[Filed with Secretary of State April 13, 1921.]

Protection of almond industry.

WHEREAS, The production of almonds constitute one of the basic industries of the State of California, which state has demonstrated that she is capable of producing almonds in sufficient quantities to meet all the demands of the United States;

WHEREAS, In order to properly protect this industry a tariff on almonds which are principally imported from the cheap labor sections of Europe, Asia and Africa is necessary if this industry shall not perish;

WHEREAS, The present tariff on almonds is wholly inadequate for such protection; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby memorializes congress to provide such a tariff on imported almonds as will equalize the cost of production and marketing between the home grown and imported product; and be it further

Resolved, That California's senators and representatives in congress be and they are hereby urged to use all honorable means to secure the adoption of such a tariff; and be it further

Resolved, That the secretary of the senate be and she is hereby instructed to forward copies of these resolutions to the secretary of the senate of the United States, to each member of the committee on ways and means of the house of representatives, to each member of the United States tariff commission and to each of California's senators and representatives in congress.

CHAPTER 32.

Assembly Concurrent Resolution No. 35—Approving a new charter for the city of Long Beach, in the county of Los Angeles, State of California, ratified by the qualified electors of said city of Long Beach at a special election held therein on the fourteenth day of April, one thousand nine hundred twenty-one.

[Filed with Secretary of State April 26, 1921.]

Long Beach city charter.

WHEREAS, The mayor and the city clerk of the city of Long Beach, a municipal corporation organized and existing under the laws of the State of California and situated in the county

of Los Angeles therein, did, on the eighteenth day of April, one thousand nine hundred twenty-one, duly certify to the submission to the electors of said city of Long Beach a proposed new freeholders charter, with two alternative propositions thereto relating to industrial districts, and to the ratification of said proposed new freeholders charter with alternative proposition number one thereto; and did further certify to a copy of said proposed new freeholders charter with said alternative propositions thereto, authenticated by the seal of said city of Long Beach, which said certificate is in the following words and figures, to wit:

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES, } SS.
 CITY OF LONG BEACH. }

We, W. T. Iisenby, mayor of the city of Long Beach, and H. C. Waughop, city clerk of said city, do hereby certify as follows:

That the city of Long Beach, in the county of Los Angeles, state of California, is now, and was at all of the times mentioned herein, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and,

That said city of Long Beach is now, and was at all of the times mentioned herein, organized and existing under a freeholders charter adopted under the provisions of Section Eight of Article Eleven of the Constitution of the state of California, which charter was duly ratified by a majority of the electors of said city at a special election held on the fifteenth day of October, one thousand nine hundred fourteen, and approved by the legislature of the state of California on the twenty-fifth day of January, one thousand nine hundred fifteen; and

That, pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the state of California, the Legislative Body of the city of Long Beach did, by a two-thirds vote of all of its members, call a special election to be held on the second day of September, one thousand nine hundred twenty, for choosing a board of fifteen freeholders to frame, prepare and propose a new charter for the government of said city of Long Beach; and at said special election a board of fifteen freeholders, duly qualified, was elected by the electors of said city to frame, prepare and propose a new charter for the government of said city of Long Beach; and,

That said board of freeholders did, within one hundred twenty days, and an extension thereof of sixty days duly consented to by the Legislative Body of said city of Long Beach, after the result of said special election was declared, duly prepare and propose a new charter with two alternative propositions thereto relating to industrial districts for the government of the city of Long Beach; and did, on the twenty-eighth day of January, one thousand nine hundred twenty-one, file said

Long
Beach
city
charter.

proposed new charter with said alternative propositions thereto with the city clerk of said city of Long Beach; and did, before the filing of said proposed new charter with said alternative propositions thereto, fix and designate thereon the fourteenth day of April, one thousand nine hundred twenty-one, as the date for submitting said proposed new charter with said alternative propositions thereto to the electors of said city of Long Beach; and that said proposed new charter with said alternative propositions thereto and said designation of the date for the submission thereof to the electors of said city of Long Beach were duly signed by a majority of the members of said board of freeholders; and,

That the Legislative Body of said city of Long Beach did, within fifteen days after said filing, cause said proposed new charter with said alternative propositions thereto to be published once, to wit: on the third day of February, one thousand nine hundred twenty-one, in the Long Beach Press, the official paper of said city of Long Beach and a paper of general circulation published in said city; and did, within said fifteen days after said filing, cause copies of said proposed new charter with said alternative propositions thereto to be printed in convenient pamphlet form and, until the date fixed for the election upon said proposed new charter with said alternative propositions thereto, advertise in said Long Beach Press, the official paper of said city of Long Beach and a paper of general circulation published in said city, a notice that copies of said proposed new charter with said alternative propositions thereto could be had at the office of the city clerk of said city of Long Beach upon application therefor; and,

That said proposed new charter with said alternative propositions thereto was, not less than sixty days from the completion of the publication thereof and on the date fixed by said board of freeholders, to-wit: on the fourteenth day of April, one thousand nine hundred twenty-one, duly and regularly submitted to the electors of said city of Long Beach at a special election duly called and held on said day in said city of Long Beach; and,

That at said special election, held as aforesaid on said fourteenth day of April, one thousand nine hundred twenty-one, a majority of the qualified voters of said city of Long Beach voting thereon voted in favor of said proposed new charter and duly ratified the same; that at said special election a majority of the qualified voters of said city of Long Beach voting thereon voted in favor of said Alternative Proposition Number One to said new charter relating to industrial districts and duly ratified the same; and at said special election a majority of the qualified voters of said city of Long Beach voting thereon voted against said Alternative Proposition Number Two to said new charter relating to industrial districts and duly rejected the same; and,

That the Legislative Body of said city of Long Beach, after duly and regularly canvassing the returns of said special election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified electors of said city of Long Beach voting thereon had voted in favor of and ratified said proposed new charter; that a majority of the qualified electors of said city of Long Beach voting thereon had voted in favor of and ratified said Alternative Proposition Number One to said proposed new charter relating to industrial districts; and that a majority of the qualified electors of said city of Long Beach voting thereon had voted against and rejected said Alternative Proposition Number Two to said proposed new charter relating to industrial districts; and,

That said proposed new charter and alternative propositions thereto relating to industrial districts are in words and figures as follows, to-wit:

CHARTER OF THE CITY OF LONG BEACH.

ARTICLE I.

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ARTICLE II.

DESCRIPTION OF THE BOUNDARY LINES OF THE CITY OF
LONG BEACH.

Boundaries.

Beginning at the intersection of the prolongation easterly of the northerly line of the "American Colony Tract" as per map recorded in Book 19, page 89, Miscellaneous Records of the County of Los Angeles, State of California, with the easterly boundary line of Los Angeles County and running thence southerly along said easterly boundary line to a line one hundred feet south of and parallel to the aforementioned prolongation easterly of the northerly line of the "American Colony Tract"; thence westerly along said line one hundred feet south of and parallel to the prolongation easterly of the northerly line of the "American Colony Tract", to the easterly line of said tract; thence southerly along said easterly line of the "American Colony Tract" to the southwesterly line of a county road, commonly known as the "Sugar Factory Road," and extending southeasterly from the most easterly end of Spring Street, at the easterly line of said "American Colony Tract"; thence southeasterly along said southwesterly line of the "Sugar Factory Road" to the southerly line of said road, said southerly line being thirty feet south of and parallel to a line extending easterly and westerly through the centers of sections 20 and 21, Township 4 South, Range 12 West, S.B.M.; thence easterly along said southerly line of the "Sugar Factory Road" to the boundary line between "Rancho Los Cerritos" and "Rancho Los Alamitos" as per map recorded in Book 1, pages 460 to 462 of Patents, Records of the County of Los Angeles, State of California; thence southwesterly along said boundary line between "Rancho Los Cerritos" and "Rancho Los Alamitos" to a line thirty feet east of and parallel to the westerly lines of Sections 21 and 28, Township 4 South, Range 12 West, S.B.M. in said "Rancho Los Alamitos"; thence southerly along said line thirty feet east of and parallel to the westerly lines of sections 21 and 28 to the northerly line of the south one-half of the north one-half of said section 28; thence easterly along said northerly line of the south one-half of the north one-half of section 28 to the easterly line of said section; thence southerly along said easterly line of section 28 to a line thirty feet north of and parallel to the easterly and westerly line through the center of said section; thence westerly along said line thirty feet north of and parallel to the easterly and westerly line through the center of section 28 to a line thirty feet west of and parallel to the northerly and southerly line through the center of said section; thence southerly along said line thirty feet west of and parallel to the northerly and southerly line through the center of section 28 to a line thirty feet southwesterly of, measured at right angles, and parallel to the northeasterly line of the "Alamitos Tract including Alamitos Beach Townsite" as per map recorded in Book 36, page

37 et seq., Miscellaneous Records of the County of Los Angeles, State of California; thence southeasterly along said line thirty feet southwesterly of, measured at right angles, and parallel to the northeasterly line of said "Alamitos Tract including Alamitos Beach Townsite" to the westerly line of Ximeno Avenue; thence southerly along said westerly line of Ximeno Avenue to the southerly line of lot 39 of said "Alamitos Tract including Alamitos Beach Townsite"; thence westerly along said southerly line of Lot 39 to the easterly line of Termino Avenue; thence northerly along said easterly line of Termino Avenue to the northerly line of State Street; thence westerly along said northerly line of State Street to the southwesterly line of Alamitos Boulevard, as said Alamitos Boulevard is located westerly of Lot 24-C, of said "Alamitos Tract including Alamitos Beach Townsite"; thence northwesterly along said southwesterly line of Alamitos Boulevard to the southerly line of Summit Road; thence westerly along said southerly line of Summit Road to the westerly line of Obispo Avenue; thence northerly along said westerly line of Obispo Avenue to a line two hundred thirty-four feet south of and parallel to the southerly line of Hill Street; thence westerly along said line two hundred thirty-four feet south of and parallel to the southerly line of Hill Street to the easterly line of Temple Avenue, as said Temple Avenue is shown on map of "Signal Heights," as per map recorded in Book 3, page 75 of Maps, Records of the County of Los Angeles, State of California; thence northerly along said easterly line of Temple Avenue to the southerly line of Hill Street; thence easterly along said southerly line of Hill Street and the prolongation thereof to a line thirty feet west of and parallel to the easterly lines of Sections 29 and 20, Township 4 South, Range 12 West, S.B.M. in aforementioned "Rancho Los Alamitos"; thence northerly along said line thirty feet west of and parallel to the easterly lines of Sections 29 and 20 to the prolongation easterly of the southerly line of Willow Street; thence westerly along said prolongation easterly to the northwesterly line of aforementioned "Rancho Los Alamitos"; thence southwesterly along said northwesterly line of "Rancho Los Alamitos" to the easterly line of aforementioned "American Colony Tract"; thence northerly along said easterly line of the "American Colony Tract" to the southerly line of Farm Lot 45 of said "American Colony Tract"; thence westerly along said southerly line of said Farm Lot 45 to the easterly line of Vine Avenue; thence northerly along said easterly line of Vine Avenue to the northerly line of Spring Street; thence westerly along said northerly line of Spring Street to the westerly line of Orange Avenue; thence southerly along said westerly line of Orange Avenue to the northerly line of Willow Street; thence westerly along said northerly line of Willow Street to the easterly line of California Avenue; thence northerly along said easterly line of California Avenue to the southerly line of Spring Street; thence easterly

Boundaries.

along said southerly line of Spring Street to a line six hundred thirty feet west of and parallel to the westerly line of Orange Avenue; thence northerly along said line six hundred thirty feet west of and parallel to the westerly line of Orange Avenue to the northerly line of Farm Lot 32 of said "American Colony Tract"; thence easterly along said northerly line of Farm Lot 32 and the prolongation thereof to a line six hundred thirty feet east of and parallel to the easterly line of Orange Avenue; thence northerly along said line six hundred thirty feet east of and parallel to the easterly line of Orange Avenue to the southerly line of Farm Lot 13 of said "American Colony Tract"; thence easterly along said southerly line of Farm Lot 13 and the prolongation thereof to the easterly line of Walnut Avenue; thence northerly along said easterly line of Walnut Avenue to a line one hundred feet south of and parallel to the northerly line of said "American Colony Tract"; thence westerly along said line one hundred feet south of and parallel to the northerly line of the "American Colony Tract" to a line one hundred feet east of and parallel to the easterly line of Atlantic Avenue; thence southerly along said line one hundred feet east of and parallel to the easterly line of Atlantic Avenue to the southerly line of Willow Street; thence easterly along said southerly line of Willow Street to a line three hundred feet west of and parallel to the westerly line of California Avenue; thence southerly along said line three hundred feet west of and parallel to the westerly line of California Avenue to the southwesterly line of the Pacific Electric Railway Company's right-of-way, as said right-of-way is shown on map of "Gadwell and Lyster Tract" as per map recorded in Book 7, page 163 of Maps, Records of the County of Los Angeles, State of California; thence southeasterly along said southwesterly line of the Pacific Electric Railway Company's right-of-way and the prolongation thereof to a line sixty feet east of and parallel to the easterly line of said "Gadwell and Lyster Tract"; thence southerly along said line sixty feet east of and parallel to the easterly line of said "Gadwell and Lyster Tract" and the prolongation thereof to a line one hundred sixty feet north of and parallel to the northerly line of Anaheim Street; thence easterly along said line one hundred sixty feet north of and parallel to the northerly line of Anaheim Street to the westerly line of Orange Avenue; thence southerly along said westerly line of Orange Avenue to a line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street; thence easterly along said line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street to the easterly line of Temple Avenue; thence northerly along said easterly line of Temple Avenue to the southerly line of State Street; thence easterly along said southerly line of State Street to the easterly line of Loma Avenue; thence southerly along said easterly line of Loma Avenue to the southerly line of Anaheim Street; thence easterly along said southerly line of

Anaheim street to the easterly line of Ximeno Avenue; thence ^{Boundaries.} southerly along said easterly line of Ximeno Avenue to the northerly line of Seventh Street; thence easterly along said northerly line of Seventh Street to the southwesterly line of the Pacific Electric Railway Company's private right-of-way, as recorded in Book 1786, page 9 of Deeds, Records of the County of Los Angeles, State of California; thence southeasterly along said southwesterly line of the Pacific Electric Railway Company's private right-of-way to the easterly line of Santa Fe Avenue; thence southerly along said easterly line of Santa Fe Avenue to the center line of Sixth Street; thence easterly along said center line of Sixth Street and the prolongation thereof to the westerly line of Nieto Avenue; thence southerly along said westerly line of Nieto Avenue and the prolongation thereof to a line fifteen feet southwesterly of, measured at right angles, and parallel to the northeasterly line of "Tract No. 3750", as per map recorded in Book 41, pages 4, 5 and 6 of Maps, Records of the County of Los Angeles, State of California, and the northeasterly line of "Tract No. 3751", as per map recorded in Book 41, page 64 of Maps, Records of the County of Los Angeles, State of California; thence along said line fifteen feet southwesterly of, measured at right angles, and parallel to the northeasterly lines of "Tract No. 3750" and "Tract No. 3751" to a line sixteen and sixty-four hundredths feet southeasterly of, measured at right angles, and parallel to the northwesterly line of Lot 14, Block 35 of the aforementioned "Tract No. 3750"; thence southwesterly one hundred ninety-five feet along said line sixteen and sixty-four hundredths feet southeasterly of, measured at right angles, and parallel to the northwesterly line of the aforementioned Lot 14, Block 35 and the prolongation thereof to a point; thence south sixty-two degrees fifty-six minutes east, ninety feet; thence south twenty-seven degrees four minutes west, one hundred twelve and five-tenths feet; thence south sixty-two degrees fifty-six minutes east, sixty feet; thence south twenty-seven degrees four minutes west, one hundred ninety-seven and five-tenths feet; thence south sixty-two degrees fifty-six minutes east, ninety feet; thence south twenty-seven degrees four minutes west, one hundred twelve and five-tenths feet; thence south sixty-two degrees fifty-six minutes east, sixty feet; thence south twenty-seven degrees four minutes west, two hundred two and five-tenths feet; thence south sixty-two degrees fifty-six minutes east, one hundred twenty feet; thence south twenty-seven degrees four minutes west to the northeasterly line of Block 48 of the "Re-subdivision of part of Alamitos Bay Townsite", as per map recorded in Book 4, pages 75 and 76 of Maps, Records of the County of Los Angeles, State of California; thence southeasterly along said northeasterly line of said Block 48 to the northwesterly line of Lot 10, said Block 48; thence southwest-erly along said northwesterly line of said Lot 10 and the pro-longation thereof to a point three miles distant from the line

Boundaries.

of ordinary high tide of the Pacific Ocean; thence westerly and parallel to said line of ordinary high tide and three miles distant therefrom to the prolongation southerly of the westerly line of Block 10, "East San Pedro", as per map recorded in Book 52, pages 13 et seq., Miscellaneous Records of the County of Los Angeles, State of California; thence northerly along said prolongation southerly and said westerly line of said Block 10 to the northerly line of said block; thence northeasterly along said northerly line of said Block 10 and the prolongation thereof to the northwesterly corner of Block 14 said "East San Pedro"; thence northwesterly in a direct line to the southwest corner of Lot 3, "Terminal Island" as per Recorder's file Map No. 133, on file in the office of the recorder of the County of Los Angeles, State of California; thence northwesterly along the westerly line of said Lot 3, to the most northerly corner of Lot 2, said "Terminal Island"; thence northeasterly in a direct line to the intersection of the westerly boundary line of Long Beach Township, with the southerly line of Wilmington and Anaheim Road, as said road is shown on map of said "Terminal Island"; thence northwesterly along the easterly boundary line of the City of Wilmington, as incorporated December 26, 1905, to a point, said point being south eighty-five degrees west from the intersection of the northerly line of State Street, with the "Compromise Line", between "Rancho San Pedro" and "Rancho Los Cerritos", as said "Compromise Line" is shown in Licensed Surveyor's Map, Book 6, page 15 and 16, Records of the County of Los Angeles, State of California; thence northeasterly in a direct line to a point in the westerly boundary line of "1419 09—100 A. Tract of Rancho Los Cerritos, in Los Angeles County, California", as per map recorded in Book 4, pages 406 and 407, Miscellaneous Records of the County of Los Angeles, State of California, said point being 1,300 feet south of the north line of Lot 7, said "1419 09—100 A. Tract of Rancho Los Cerritos, in Los Angeles County, California"; thence east to the center line of Harrison Avenue; thence north ten feet; thence east to the prolongation northerly of the westerly line of American Avenue, as said American Avenue is located south of Willow Street; thence south to a line one hundred feet north of and parallel to the northerly line of Hill Street; thence easterly along said line one hundred feet north of and parallel to the northerly line of Hill Street to the easterly line of American Avenue; thence north to a point eighty feet north of the north line of Willow Street; thence east to the east line of Pasadena Avenue; thence south thirty feet; thence east to a point one hundred forty-three feet west of the westerly line of Atlantic Avenue; thence north to the northerly line of Lot 20 of the "Atlantic Boulevard Tract No. 3", as per map recorded in Book 11, page 92 of Maps, Records of the County of Los Angeles, State of California; thence westerly along said northerly line of said Lot 20 and the prolongation thereof to the easterly line of

American Avenue; thence northerly along said easterly line of American Avenue to the northerly line of Spring Street; thence easterly along said northerly line of Spring Street to a point one hundred forty-three feet west of the westerly line of Atlantic Avenue; thence north to the northerly line of the aforementioned "American Colony Tract"; thence easterly along said northerly line of the "American Colony Tract" and the prolongation thereof to the point of beginning.

ARTICLE III.

POLITICAL SUBDIVISION OF THE CITY OF LONG BEACH.

Section 1. The City of Long Beach shall be divided into seven political subdivisions, which shall be known as districts, and shall be more particularly described, bounded and described as follows:

DISTRICT No. 1. Beginning at the intersection of the center line of Cherry Avenue with the center line of Fourth Street and running thence easterly along said center line of Fourth Street and the prolongation thereof to the easterly boundary line of the City of Long Beach; thence southerly along said easterly boundary line to the southerly boundary line of said city; thence westerly along said southerly boundary line to the prolongation southerly of the center line of Sixteenth Place; thence northerly along said prolongation southerly, said center line of Sixteenth Place and the prolongation thereof to the center line of Ocean Boulevard; thence westerly along said center line of Ocean Boulevard to the prolongation southerly of the center line of Cherry Avenue; thence northerly along said prolongation southerly and said center line of Cherry Avenue to the point of beginning.

DISTRICT No. 2. Beginning at an angle point in the boundary line of the City of Long Beach, said angle point being the intersection of the southerly line of State Street with the easterly line of Loma Avenue and running thence southerly, easterly, southerly, easterly, southeasterly, southerly, easterly and southerly along said boundary line to the prolongation easterly of the center line of Fourth Street; thence westerly along said prolongation easterly and said center line of Fourth Street to the center line of Cherry Avenue; thence northerly along said center line of Cherry Avenue to a northerly boundary line of the City of Long Beach, said northerly boundary line being six hundred twenty feet south of and parallel to the southerly line of Anaheim Street; thence easterly along said northerly boundary line to the easterly line of Temple Avenue; thence northerly along said easterly line of Temple Avenue to the southerly line of State Street; and thence easterly along said southerly line of State Street to the point of beginning.

DISTRICT No. 3. Beginning at the intersection of the center line of Fourth Street with the center line of Cherry Avenue and running thence southerly along said center line of Cherry

Avenue and the prolongation thereof to the center line of Ocean Boulevard; thence easterly along said center line of Ocean Boulevard to the prolongation northerly of the center line of Sixteenth Place; thence southerly along said prolongation northerly, said center line of Sixteenth Place and the prolongation thereof to the southerly boundary line of the City of Long Beach; thence westerly along said southerly boundary line to the prolongation southerly of the center line of American Avenue; thence northerly along said prolongation southerly and said center line of American Avenue to the center line of Fourth Street; and thence easterly along said center line of Fourth Street to the point of beginning.

District
No. 4.

DISTRICT No. 4. Beginning at the intersection of a northerly boundary line of the City of Long Beach, said northerly boundary line being six hundred twenty feet south of and parallel to the southerly line of Anaheim Street, with the center line of Cherry Avenue and running thence southerly along said center line of Cherry Avenue to the center line of Fourth Street; thence westerly along said center line of Fourth Street to the center line of American Avenue; thence northerly along said center line of American Avenue to the center line of Tenth Street; thence easterly along said center line of Tenth Street to the center line of Orange Avenue; thence northerly along said center line of Orange Avenue to the aforementioned northerly boundary line of the City of Long Beach; and thence easterly along said northerly boundary line to the point of beginning.

District
No. 5.

DISTRICT No. 5. Beginning at an angle point in the boundary line of the City of Long Beach, said angle point being the intersection of the prolongation easterly of the northerly line of the "American Colony Tract" as per map recorded in Book 19, page 89. Miscellaneous Records of the County of Los Angeles, State of California, with the easterly boundary line of Los Angeles County; and running thence southwestery, westerly, southerly, southeasterly, easterly, southwestery, southerly, easterly, southerly, westerly, southerly, southeasterly, southerly, westerly, northerly, westerly, northwesterly, westerly, northerly, westerly, northerly, easterly, northerly, westerly, southwestery, northerly, westerly, northerly, westerly, southerly, westerly, northerly, easterly, northerly, easterly, northerly, easterly, northerly, westerly, southerly, easterly, southerly, southeasterly, southerly, easterly, southerly and easterly following the various courses of the boundary line of the City of Long Beach to the center line of Orange Avenue; thence southerly along said center line of Orange Avenue to the center line of Tenth Street; thence westerly along said center line of Tenth Street to the center line of American Avenue; thence northerly along said center line of American Avenue and the prolongation thereof to a northerly boundary line of the City of Long Beach, said northerly boundary line being one hundred feet north of and parallel to the northerly line of Hill Street; thence easterly, northerly, easterly, south-

erly, easterly, northerly, westerly, northerly, easterly, northerly and easterly following the various courses of the boundary line of the City of Long Beach to the point of beginning.

DISTRICT No. 6. Beginning at the intersection of the center line of Tenth Street with the center line of American Avenue; and running thence southerly along said center line of American Avenue and the prolongation thereof to the southerly boundary line of the City of Long Beach; thence westerly along said southerly boundary line to the prolongation southerly to the center line of Magnolia Avenue; thence northerly along said prolongation southerly and said center line of Magnolia Avenue to the center line of Tenth Street; and thence easterly along said center line of Tenth Street to the point of beginning.

District
No. 6.

DISTRICT No. 7. Beginning at the intersection of the center line of American Avenue with the center line of Tenth Street and running thence westerly along said center line of Tenth Street to the center line of Magnolia Avenue; thence southerly along said center line of Magnolia Avenue and the prolongation thereof to the southerly boundary line of the City of Long Beach; thence westerly along said southerly boundary line to the westerly boundary line of said city; thence northerly, northeasterly, northwesterly, northeasterly, northwesterly, northeasterly, easterly, northerly, easterly, southerly, and easterly following the various courses of the boundary line of the City of Long Beach to the prolongation northerly of the center line of American Avenue as said American Avenue is located south of Anaheim Street; thence southerly along said prolongation northerly and said center line of American Avenue to the point of beginning.

District
No. 7.

ARTICLE IV.

Powers of the City.

NAME AND GENERAL GRANT OF POWERS.

Sec. 2. The City of Long Beach, a municipal corporation, shall after the adoption of this charter, continue its existence as such municipal corporation and under the corporate name, CITY OF LONG BEACH, shall have, possess and exercise all powers and rights vested in said City of Long Beach under this charter and the laws of the state.

Name.

The City of Long Beach shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; PROVIDED, that nothing herein shall be construed to prevent or restrict the City of Long Beach from exercising or consenting to, and the City of Long Beach is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the state; PROVIDED ALSO, that where the general laws of the state provide a procedure for the carrying out and enforcement of any rights or powers belonging to the

Powers.

City of Long Beach, said procedure shall control and be followed unless a different procedure shall have been provided in this charter or by ordinance.

SUCCESSOR TO FORMER GOVERNMENT.

Successor
to former
govern-
ment.

Sec. 3. The City of Long Beach, as successor in interest of the municipal corporation of the same name, created and existing under previous charters, shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed, or claimed, and shall be subject to all the debts, obligations, liabilities, dues and duties of said existing corporation.

ENUMERATION OF POWERS.

Enumera-
tion of
powers.

Without in any way or to any extent limiting or curtailing the powers hereinbefore conferred or mentioned, and for the purpose of removing all doubt concerning the exercise of powers hereinafter expressly mentioned, the City of Long Beach shall continue vested with all the property of every kind belonging to it, and shall have the power:

Sec. 4. To have perpetual succession.

Sec. 5. To have and use a corporate seal and alter it at pleasure.

Sec. 6. To sue and be sued in all courts and places and in all actions and proceedings whatever.

Sec. 7. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said City, and control and dispose of the same for the general benefit.

Sec. 8. To acquire, erect, construct, repair, operate and maintain any and all buildings, establishments, institutions and places whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education, or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit.

Sec. 9. To acquire, improve, repair and maintain public parks, cemeteries and sewer farms, both within and without the city; to regulate the same, and to exclude cemeteries from the limits of the city or any portion thereof, and to discontinue the same.

Sec. 10. To provide for supplying the city and its inhabitants with water, gas, electricity, telephone service, or any other public utility, or with other means of heat, illumination or power: and to acquire, construct, repair or remodel, and to lease or operate, and to regulate the construction or operation of conduits or of railroads, or other means of transportation or transit, and of plants and equipments for the production or transmission of gas, electricity, telephone service, refrigeration

or power, in any of their forms, by pipes, wires, or other means, either in or out of the city.

Enumera-
tion of
powers.

Sec. 11. To provide for the care of the sick and helpless, and to make regulations to prevent the spread of epidemic, contagious and loathsome diseases.

Sec. 12. To establish or change the grade, to lay out, open, extend, widen, change, vacate, pave, improve, remodel and repair streets, alleys, places, sidewalks, crossings and other highways and public squares and places, and to make provision for cleaning, sprinkling and oiling same.

Sec. 13. To require and enforce every railroad corporation or company to pave and keep in repair that portion of the streets between the rails and for a distance of two (2) feet outside the rails, and between the tracks on all streets where more than one track is maintained by such corporation or company.

Sec. 14. To fix and determine annually the rates of compensation to be collected by any person, firm, company or corporation in the city for the use of water, gas, electricity, telephone service, or any public service supplied to the city or the inhabitants thereof; also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits.

Sec. 15. To have plenary powers of control and regulation over all public utilities and over the service thereof, including the kind, character, quality and rates of the utilities and their commodities, and including the adequacy, efficiency, economy and equity of the service performance of the same; and to determine or restrict the elements of costs entering into such service, or service commodities, as may be enacted either directly or indirectly, for the same, from the patron or user thereof; and to inspect, test, and regulate the character, means, methods and accuracy of measurement, and of charges by which such utility commodities and services may be sold; and to authorize and compel extensions and service connections and equipment for such services, and to determine the just and equitable cost of such part thereof as may be charged to the applicant for service; to require specific and satisfactory showing or information relative to any and all elements of utility services and costs thereof, and of the compensation exacted or demanded therefor, as may be required by the city for the determination of equity, efficiency, justice, or any other matter affecting the interests of patrons of such service.

Sec. 16. To regulate the speed of railway engines, cars, trains, and of street cars, passing through or operating within the city, and to require railroad companies either to station flagmen or place sufficient automatic warning signals and signal bells at street crossings; to require street cars to be provided with fenders and other appliances for the protection of the public; to regulate the speed with which persons may ride, drive, or propel bicycles, tricycles, motoreycles, automobiles or

Enumera-
tion of
powers

other vehicles, or ride or drive any horse or other animal along or upon any of the streets or highways of the city.

Sec. 17. To regulate or control the carrying of freight through any part of the city on, along, or upon any of the streets, alleys, or places.

Sec. 18. To acquire, erect, construct, complete, remodel, repair and maintain any municipal improvement, including bridges, waterworks, water rights, sewers, light and power works or plants, buildings for municipal uses, wharves, jetties, sea walls, water ways, slips, channels and canals, school houses, fire apparatus, kindergartens, libraries, hospitals, markets, baths, fountains, prisons, workhouses, municipal farms, municipal piers, public stadium or out-door amphitheater, museums, life saving stations, pavilions, morgues, crematories, public assembly halls, civic centers, necessary or convenient to carry out the objects, powers and purposes of the municipality.

Sec. 19. To acquire by purchase, condemnation, or other legal means, property, both real and personal, including water and water rights, within or without the corporate limits, necessary or convenient for municipal purposes, or for the exercise of the powers granted to said city.

Sec. 20. To lease or operate for a period not exceeding ten years from the date they are acquired, any property, buildings or equipment located on property purchased or acquired by the city for park, playground or other public purpose.

Sec. 21. To zone the city as relates to the use of property, the height and area of buildings, both within and without the industrial districts.

Sec. 22. To provide against the existence of filth, garbage or other injurious and inconvenient matter within the city, and for the disposal of the same.

Sec. 23. To regulate or prohibit the sale, keeping, storing, and use of powder, gasoline, fireworks, dynamite, nitro-glycerine and other explosive materials and substances, the place of their manufacture or storage, and their transportation; and to regulate the storage of hay, straw, and other inflammable materials, and the use of steam boilers, gas and gasoline engines.

Sec. 24. To make, adopt and enforce all necessary rules and regulations for the protection of fire, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals, and preserve the health of the inhabitants of the city.

Sec. 25. To exercise all municipal and police powers necessary to the complete and efficient management and control of municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

Sec. 26. To prescribe the manner in which, the time at which, and the places where elections shall be held in said city, and to appoint the officers to conduct such elections, and provide for their compensation.

Sec. 27. To create such additional departments in the executive divisions of the city government as may be required for the proper transaction of the business of the city; to create offices other than those established by this charter or by the general laws, whenever the public convenience or necessity may require the same, and to prescribe all duties pertaining to the offices thus created, and to provide for the appointment and to fix the compensation of the officers to fill the same. (But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of the city).

Enumera-
tion of
powers.

Sec. 28. To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertising shall be met.

Sec. 29. To contract for all necessary printing, and in that behalf either to make contracts for city printing, or to acquire, own and operate municipal printing presses and all the necessary paraphernalia therefor, and to publish and issue a municipal newspaper.

Sec. 30. To have the power of ordinance to take out a permit or lease under the regulations concerning oil and gas permits, and leases and rights of way for oil and gas pipe lines in accordance with the terms and provisions of the regulations of the Department of Interior, General Land Office, United States of America, authorized by acts of Congress, February 25, 1920, approved March 11, 1920, and amendments thereto.

Sec. 31. To levy and collect taxes upon all property for all municipal purposes; to levy assessments upon property to pay for the improvement of streets and other public improvements, and to collect the same.

Sec. 32. To levy taxes exceeding the limit permitted in this charter; PROVIDED, that before such levy can be made, the proposition to make such levy shall first be submitted to the qualified electors of the city at a special or general municipal election, and that two-thirds (2-3) of the vote cast on the question of making such levy shall have been cast in favor thereof.

Sec. 33. To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations and kinds of business, carried on within the limits of said city; and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades or callings, occupations and kinds of business in said city, and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress and prohibit hawking, peddling and the carrying on of any laundry, livery and sale stable, cattle or horse corral, feed yard, horseclipping establishment, bill boards, lumber yards, planing mills, rolling mills, oil wells, furnaces, chimneys and smoke stacks, tanks or refineries, foundries, brick-yards, slaughter houses or butcher shops, and the keeping of bees, cattle or other domestic animals, poultry or pigeons within

Enumera-
tion of
powers

the limits or within any designated portion of said city; and to prohibit and suppress the sale or giving away of intoxicating liquors; and the keeping of any place where alcoholic liquor or other intoxicating drinks are sold or given away, and all faro banks, games of chance, gambling houses, or bawdy houses, and any and all obnoxious, offensive, immoral, indecent or disreputable places or practices within the said city.

Sec. 34. To make the violation of the ordinances of the city or any provision of this charter a misdemeanor, and to prescribe the penalty for such violation; which penalty shall be by fine or imprisonment; PROVIDED, HOWEVER, that such fine shall not exceed five hundred dollars (\$500.), and such imprisonment shall not exceed six (6) months.

Sec. 35. To provide by ordinance for all matters not otherwise provided for by this charter, for the proper protection of the peace, health and safety of the city and the inhabitants thereof; or to regulate and control any condition arising from floods, strikes, or the elements.

Sec. 36. To improve or authorize to be improved, the rivers, streams, and sloughs, and tide and submerged lands within and adjoining the corporate limits of the city; to acquire, own, construct and maintain, or authorize to be constructed and maintained on, or upon lands bordering upon the same, docks, warehouses, slips, wharves, landings, piers, and any other accessories of a commercial or industrial character calculated for the public use and benefit; PROVIDED, that any of such work shall be for the public use and benefit under reasonable regulations and charges, and the same when constructed or approved by others than the city, shall not be leased or otherwise contracted or the right thereto limited for a longer term than twenty (20) years; nor shall any lease or contract of the same or its use be made by the city, except for a fair consideration to the public interest. Any such improved waterfront or navigable channel, wharf, landing, dock, warehouse, slip or pier shall be a public utility, and neither the same nor any other public utility shall be sold or given away, unless such act shall be authorized or ratified by two-thirds (2-3) of the qualified electors of the City of Long Beach voting thereon at any election at which the question shall be submitted.

Sec. 37. To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter.

ARTICLE V.

Legislative.

CREATION OF THE CITY COUNCIL.

City
council.

Sec. 38. There is hereby created a city council which shall have full power and authority, except as herein otherwise provided, to exercise all the powers conferred upon the city.

COMPOSITION—TERM OF CITY COUNCIL.

Sec. 39. The city council shall consist of seven members, who shall be elected on a general ticket, one from each of the seven districts in the City of Long Beach hereinbefore provided, but who shall be elected by the electors of the entire city, and who shall serve for a term of three years beginning on the first Monday of July next after their election, and until their successors are elected and qualified. Varancies in the city council shall be filled by the city council for the unexpired term. Absence from five consecutive regular meetings, unless excused by resolution of the city council, shall operate to vacate the seat of any member so absent.

Composition
and
term.

QUORUM.

Sec. 40. Five members of the city council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, or may compel the attendance of other members in such manner and under such penalties as the city council may prescribe, and shall hold public meetings at least once a week, for the transaction of business, and no legislation shall be enacted except at public meetings.

Quorum.

ORDINANCES AND RESOLUTIONS.

Sec. 41. Ordinances and resolutions are the formal acts of the city council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts which, being less formal in character, require only to be passed by the city council and spread upon the minutes. No ordinance shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, except emergency measures as provided in section 45 of this charter. Neither ordinance nor resolution shall be in full force and effect unless it shall have received the affirmative vote of not less than four members of the city council.

Ordinances
and
resolutions.

THE ENACTING CLAUSE OF ORDINANCES.

Sec. 42. The enacting clause of all ordinances passed by the city council shall be: "The City Council of the City of Long Beach ordains as follows:" The enacting clause of all ordinances submitted by initiative shall be: "The people of the City of Long Beach do ordain as follows:"

PUBLICATION OR POSTING OF ORDINANCES, ETC.

Sec. 43. All ordinances, resolutions, and all official notices authorized by the city council under this charter shall be published at least once in the official newspaper of the city, and be posted in three conspicuous places in the city.

POWERS OF THE CITY COUNCIL.

Powers of
the city
council.

Sec. 44. The city council shall have the power :

(1) To fix the time and place of its meetings, to compel the attendance before it of witnesses and the production of papers in any matter under investigation, to judge of the qualification and election of its own members, and to punish any member or other city officer by fine of not exceeding fifty dollars, for disorderly or contemptuous behavior in its presence.

(2) To make and pass all ordinances, resolutions and orders not repugnant to the constitution of the United States, or of the State of California, or to the provisions of this charter, necessary for the municipal government and the management of the affairs of the City of Long Beach, for the execution of the powers vested in the city, and for carrying into effect the provisions of this charter.

(3) To provide for the lighting of the streets and public buildings and places of the city, and to regulate such lighting.

(4) To regulate the use and sale of gas, electric and other light in the city, to fix and determine the price thereof, as well as the rental price of all electric and gas meters, within the city, and to provide for the inspection of such meters.

(5) To regulate telephone service and the use of telephones and to fix and determine the charges for telephones, telephone service and connections within the city.

(6) To cause the removal and placing underground of all telephone, telegraph, electric light, or other wires within the city or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys, and public places of the city.

(7) To establish, license and regulate public markets and market houses.

(8) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city of such unsound, adulterated or unwholesome products.

(9) To provide for the inspection of and to regulate the sale of bread within the city, and to prescribe the weight of the loaf and to provide for the seizure and forfeiture of bread offered for sale which does not comply with such regulations.

(10) To provide for and regulate the manner of weighing hay, straw, and coal, and any other commodity and the selling of the same, and the measuring and selling of firewood within the limits of the city.

(11) To provide for the inspection and selling of all weights and measures used in the city, and to enforce the keeping and

use by dealers of proper weights and measures duly tested and sealed. Powers of
the city
council.

(12) To regulate the construction of and the material used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure and unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, and materials used in and the method of construction of foundation and foundation walls, and the manner of construction and location of drains and sewers; the materials used in and the thickness and construction of party walls, partitions and outside walls, the thickness and construction of chimneys, the construction and character of bath rooms, water-closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to prohibit the construction of buildings and structures which do not conform to such regulations.

(13) To require the owners and lessees of buildings and other structures to place upon or in them fire escapes and appliances for protection against and the extinguishment of fire.

(14) To prevent the construction and to cause the removal of dangerous chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes or the accumulation of shavings, rubbish or any combustible material, in unsafe places, and to make provisions to guard against fire.

(15) To prescribe the fire limits and determine the character and height of buildings that may be erected therein, and the nature of the material to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within said fire limits.

(16) To zone the city as relates to the use of property, the height and area of buildings, both within and without the industrial districts.

(17) The city council shall have power, by ordinance, to set aside, either absolutely or for a definite period of time, any lands belonging to the city for use as playgrounds and recreation areas for the benefit of the people of the city.

(18) To regulate the entrance to and exit from all theaters, lecture rooms, public halls, school houses, churches, and public buildings of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the halls, aisles, or other open places therein.

(19) To regulate or prohibit the operation of blasts and blasting, and the construction and operation of derricks, windlasses, or other structures, apparatus and operations hazardous to life and property; and to regulate the operation and provide for the inspection of freight and passenger elevators, boilers,

Powers of
the city
council.

engines, dynamos and other apparatus generating steam, electricity or other power.

(20) To define nuisances, and to prevent, remove and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing or maintaining such nuisances, and to prohibit offensive or unwholesome businesses or establishments within the city.

(21) To regulate lodging, tenement and apartment houses, and to prevent the overcrowding of the same, and to require the same to be put and kept in proper sanitary condition.

(22) To provide for the inspection and regulation of all dairies within the city limits, and to provide for the inspection and regulation of all dairies outside of the city limits that offer for sale or sell any of their products within the city.

(23) To provide for the naming of the streets and the numbering of houses, and to regulate or prohibit the exhibition of banners, flags, placards, or signs across the streets, sidewalks or other public places of the city.

(24) To prohibit the making up of railroad trains upon any of the streets, street crossings or street intersections of the city; to establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges for the use of such hacks, public carriages, express wagons and other public vehicles, and require schedules for such charges to be posted in or upon such public vehicles.

(25) To regulate street railroads, their tracks and cars, to compel the owners of two or more such roads using the same street, for any distance not exceeding five blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

(26) To prohibit the injury or interference with the ornamental trees and shrubbery in the streets and public places of the city, and to prescribe the punishment for such injury and interference.

(27) To grant the right to erect or lay telegraph or telephone wires, or lay conduits for transmitting electrical energy for lighting or power purposes along or upon or under the public streets or highways of the city; PROVIDED, HOWEVER, that all such rights and franchises shall be granted subject to the restrictions and limitations in this charter contained relating to the granting of franchises.

(28) To make arrangements for the care, feeding and clothing of all persons in prison by municipal authority or sentenced to imprisonment by the police court, and to provide that all such persons shall work upon the streets, or do other public work.

(29) To restrain and prevent diseased, blind, maimed, injured or unfortunate persons from displaying their infirmities for the purpose of receiving alms.

(30) To regulate street speakings or street gatherings; to regulate or prohibit the exhibition or carrying of placards,

banners or advertisements on cars or other vehicles and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate or prohibit the flying of banners, flags or signs across the street or from houses; to regulate or prohibit traffic or sales in the streets and public places; to prevent encroachments upon or obstructions to the streets and sidewalks, and to require their removal; to restrain and punish vagrants, mendicants, lewd persons, and prostitutes; to prevent and punish drunkenness, prize fights, and all offensive, immoral, indecent and disorderly conduct and practices in the city; to restrain and prohibit all descriptions of gambling and all fraudulent or gambling devices and practices, all playing of cards, dice and other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money or anything is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, games or other exhibitions, and to authorize the destruction of all instruments used for the purpose of gambling.

Powers of
the city
council.

(31) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of diseases; to make regulations to prevent the introduction of contagious, infectious or other diseases into the city; to make quarantine laws and regulations, and to enforce the same within the city; to regulate, control and prevent the entry into the city of persons, baggage, merchandise, or other property infected with contagious diseases.

(32) To provide for the sale of personal property belonging to the city which is not needed by or which is not suited for the use of the city.

(33) To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition.

(34) To set apart and dedicate as a boulevard or boulevards any street or streets or portion of a street or streets in the city.

(35) To adopt and enforce, by ordinance, all such measures and to establish all such regulations, in case no express provision is in this charter made, as the city council may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals, and the suppression of vice in the city.

(36) To pass ordinances upon any other subject of municipal control or to carry into force or effect any other powers of the municipality.

(37) To adopt by ordinance at any time any provision made by the general law of the State of California for the levy and collection, or either of them, of city taxes by and through the officers of the county.

(38) Whenever the city council shall determine that the public interest requires the construction, acquisition, completion,

remodeling or repair of any improvement or utility, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a bonded indebtedness for such purpose and proceed therein as provided in section 18, of Article XI of the constitution of this state and the general law or laws thereof; PROVIDED, that such indebtedness shall not bear more than 5 per cent interest per annum, and that no bond issued therefor shall be sold for less than par nor to any other than to the highest bidder, after advertising for sealed proposals therefor; AND PROVIDED, that several propositions for the issue of bonds may be submitted at one special or general municipal election.

(39) The city council shall keep a record of all its proceedings, showing the aye and nay vote in all matters voted upon by said body, and said records shall be open to the public at the office of the city clerk during regular business hours.

(40) The city council shall approve the bond of the city manager.

EMERGENCY MEASURES.

Emergency
measures.

Sec. 45. The city council may, by vote of five of its members, pass emergency measures to take effect at the time indicated therein. Emergency measures shall contain a section in which the emergency is particularly set forth and defined; and a separate roll call on the question of the emergency shall be taken. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its services by any public utility shall be passed.

CITY COUNCIL'S AUTHORITY OVER CITY EMPLOYEES.

Authority
over
employees.

Sec. 46. Neither the city council, nor any of its committees or members shall dictate, or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the city council and its members shall deal with the administrative service solely through the city manager, and neither the city council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.

EXTENDED LEAVE OF ABSENCE.

Extended
leave of
absence.

Sec. 47. The city council may grant an extended leave of absence, not to exceed one year, for the purpose of health, or study, travel and research, to any employee of the city, other than elective officers and the city manager. The application for such extended leave of absence, shall state the time desired, and if made by the head of a department shall have the written approval of the city manager; if made by any other employee

shall have the written approval of both the head of the department wherein the applicant is employed and the city manager. Any leave of absence granted under this section shall be without compensation during such absence. The position held by the employee to whom the leave of absence is granted shall be filled for the term of the absence in the same manner as vacancies are filled.

ARTICLE VI.

THE OFFICERS OF THE CITY.

Sec. 48. The officers of the City of Long Beach shall be:

Officers
of city.

Elective:

Seven members of the city council,
City attorney,
City auditor,
Police judge, and
Five members of the board of education.

Appointive by city council:

City clerk,
City manager, and
Three members of the civil service board.

Appointive by the city manager:

City accountant,
City assessor,
City engineer,
City health officer,
City purchasing agent,
City tax collector,
City treasurer,
Chief of fire department,
Chief of police,
Director of public service,
Librarian,
Superintendent of water department,
Superintendent of social welfare,
Superintendent of public recreation,
Three members of the harbor commission, and
Four members of the city planning commission;

also such other officers as may be provided for under the general laws of the State of California, or the ordinances of the city.

QUALIFICATIONS.

Sec. 49. Unless specifically stated to the contrary; all officers of the City of Long Beach, whether elective or appointive, and all assistants, deputies, clerks, attaches or other employees, shall be bona fide residents of the City of Long Beach, or territory legally annexed thereto, for one year next preceding the day of their election or the date of their appointment; and on such day or date be qualified electors of the city. No officer, assistant, deputy, clerk, attaché or other employee shall be in litigation against the city when elected or appointed. All elective officers must be at least twenty-five years of age.

Qualifica-
tions.

SPECIAL RESIDENTIAL QUALIFICATIONS FOR CITY COUNCILMEN.

Presidential
qualifica-
tion.

Sec. 50. Each member of the city council must have been a resident and qualified elector in the district from which he is nominated for a period of not less than six months prior to the date of presenting his declaration of candidacy to the city clerk as hereinafter provided.

SALARIED OFFICERS OF THE CITY NOT TO HOLD FEDERAL OR STATE OFFICES.

Holding
two offices

Sec. 51. No person holding a salaried office under the United States Government or the State of California, or any other state, county or municipality; or any officer, agent or employee of any public service corporation or utility doing business in the City of Long Beach shall hold any office, employment or position under this city.

OATH OF OFFICE.

Oath of
office.

Sec. 52. Every officer provided for in this charter shall, within fifteen days after receiving his certificate of election or notice of his appointment, qualify by giving the bond required by this charter, or by ordinance of the city, if any, and by taking the following oath:

"I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, the Constitution and laws of the State of California, and the charter of the City of Long Beach, and I will faithfully discharge the duties of the office to which I have been elected (or appointed) according to the best of my ability."

PURITY OF ELECTION.

Purity of
election.

Sec. 53. No officer or employee of the city shall give, or promise to give to any other person, any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being nominated, appointed, voted for, or elected to any office or employment; and if any such promise or gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed, or employed, in the service of the city.

Sec. 54. Any officer of this city who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as subordinate or employee under him, shall forfeit his office.

SALARIES OF OFFICERS.

Salaries of
officers.

Sec. 55. The elective officers of the City of Long Beach, in this section named, shall receive in full compensation for all services rendered by them, the following salaries, payable in semi-monthly installments on the fifteenth and last day of each calendar month:

City councilmen—Ten dollars (\$10) for each meeting attended; PROVIDED, that the maximum number of meetings for which compensation shall be received held in any one calendar

month shall not exceed five; AND PROVIDED, that each councilman in attendance when the city council is meeting as a board of equalization shall receive Ten dollars (\$10) for each meeting attended.

- City attorney—Five thousand dollars (\$5,000) per annum.
- Police judge—Three thousand dollars (\$3,000) per annum.
- City auditor—Three thousand dollars (\$3,000) per annum.

SALARY OF CITY MANAGER.

Sec. 56. The salary of the city manager shall be fixed by the city council, and shall be fixed at a sum not less than :

Salary of city manager.

City manager—Seven thousand five hundred dollars (\$7,500) per annum.

SALARIES.

Sec. 57. Unless the salary is specifically stated in sections 55 and 56 of this charter, all officers, and their regular assistants, deputies, clerks and attaches, and all members of the Police and Fire departments, shall have such compensation for his or their services as may be prescribed and authorized by ordinances by the city council. All salaries shall be payable in semi-monthly installments on the fifteenth and last day of each calendar month. The remuneration and method of payment of all other employees may be prescribed by the city council, and fixed by resolution.

Salaries.

BONUS FOR CONTINUOUS SERVICE.

Sec. 58. In determining the salaries and remuneration of persons in the employ of the City of Long Beach, where such salaries and remuneration are fixed by the city council, whether by ordinance or resolution, the city council shall take into consideration the time of service of said persons and shall grant increase in salaries to such persons at the end of five, ten and fifteen years of continuous service.

Bonus for continuous service.

OFFICIALS TO GIVE ENTIRE TIME TO CITY; WITH CERTAIN EXCEPTIONS.

OFFICE HOURS OF CITY OFFICIALS.

FEES TO BE PAID INTO THE CITY TREASURY BY OFFICIALS.

Sec. 59. (1) All elective and appointive officials, their assistants, deputies and clerks, and other employees of the City of Long Beach shall devote their entire time during business hours to the duties of their respective offices, and shall not engage in any other business or practice during their respective tenure of office or employment; PROVIDED, HOWEVER, that the members of the city council, the board of education, the civil service board, the harbor commission, and the four appointees on the city planning commission, and the members of any commission or commissions that may hereafter be created by the city council, by ordinance, shall be and are specifically excepted from the provisions of this section; AND PROVIDED, FURTHER, that the provisions of this section shall not be applicable to highly professional or tech-

Time to be given city.

nical assistants employed by the city council to assist or advise any of the departments of the city.

Office
hours.

(2) Except as otherwise in this charter provided, or by ordinance; all officers of the city shall keep their respective offices open for the transaction of business from the hours of eight o'clock and thirty minutes in the forenoon until five o'clock in the afternoon of each day; Sundays and legal holidays excepted.

Fees paid
to treasury.

(3) No department, board, officer or employee of the City of Long Beach shall be allowed to retain for his own use any fees collected by such department, board, officer or employee, but all such fees shall be paid into the city treasury at least once every month, except where payment is required by law or ordinance to be made in some other manner or more frequently.

BONDS OF OFFICERS.

Bonds of
officers.

Sec. 60. The officers and employees of the City of Long Beach, before entering upon the discharge of their official duties, shall give and execute to the City of Long Beach such official bonds as may be required by this charter, by general law or the ordinances of the city. The following named officers shall execute official bonds to the City of Long Beach in the following sums:

City manager—One hundred thousand dollars (\$100,000).

City treasurer—One hundred thousand dollars (\$100,000).

City tax collector—Fifty thousand dollars (\$50,000).

City purchasing agent—Twenty-five thousand dollars (\$25,000).

Superintendent Water Department—Twenty-five thousand dollars (\$25,000).

Police judge—Fifteen thousand dollars (\$15,000).

City auditor—Ten thousand dollars (\$10,000).

City assessor—Ten thousand dollars (\$10,000).

Such other and additional bonds may be required from time to time as the city council may deem proper.

SURETY BONDS REQUIRED.

Surety
bonds
required.

Sec. 61. Bonds issued by lawfully authorized surety companies described in sections 1056 and 1057, C. C. P. of the State of California, shall be the only kind of bond approved, EXCEPT as otherwise in this charter provided.

TERM OF OFFICE.

Term of
office.

Sec. 62. All officers provided to be elected under this charter shall take office on the first Monday after the first day of July after their election, EXCEPT the board of education; and shall hold office until their successors are elected and qualified.

VACANCIES.

Vacancies.

Sec. 63. In the event of a vacancy in any elective office caused by death, resignation, recall, removal from the city, or for any other reason, the vacancy shall be filled for the

unexpired term by the city council. In the event any member of the city council shall remove from the district from which he was elected during his term of office, his office shall be declared vacant and filled for the unexpired term by the city council; PROVIDED, that the member of city council elected to succeed, shall have been an elector in the district he is chosen to represent for six months next preceding the last general municipal election.

OFFICER FAILING TO QUALIFY.

Sec. 64. If a person elected or appointed to any office shall fail to qualify within ten days after receipt of his certificate of election or notice of appointment, the office shall be declared vacant by the city council, and shall be filled as if there were a vacancy. Officer failing to qualify.

ARTICLE VII.

Nominations and Elections.

ELECTIONS.

Sec. 65. Elections to be held in the City of Long Beach are of two kinds: Elections.

- 1. General municipal elections.
- 2. Special municipal elections.

DATE OF GENERAL MUNICIPAL ELECTION.

Sec. 66. The first general municipal election shall be held in the City of Long Beach on the second Tuesday in June next following the approval of this charter by the Legislature, the second general municipal election shall be held on the second Tuesday in May in the year 1924, and subsequent general municipal elections shall be held on the second Tuesday in May every three years thereafter. Date of general municipal election.

SPECIAL MUNICIPAL ELECTIONS.

Sec. 67. All other municipal elections that may be held in the City of Long Beach by the authority of this charter, of general law, or by ordinance of the city, shall be known as special municipal elections. Special municipal elections.

PURPOSE OF SPECIAL MUNICIPAL ELECTIONS.

Sec. 68. The city council shall have the power to submit to the electors of the City of Long Beach, at any election any question required to be submitted by the constitution, this charter, general law, or by ordinance of the city; PROVIDED, that in case such question is required by said constitution, charter, general law, or ordinance to be submitted at a special or other particular kind of election, or within any specified time, it shall be so submitted, and not otherwise. Purpose of special municipal elections.

DECLARATION OF CANDIDACY.

Sec. 69. Candidates for elective offices in the City of Long Beach shall be nominated in the following manner, and not otherwise. Prior to the signing of the nominating petition of Declaration of candidacy.

Declara-
tion of
candidates.

any candidate, and not more than fifty nor less than thirty-five days before the day of the municipal election, the candidate shall take the following oath or affirmation, and the same shall remain as a matter of record in the office of the city clerk:

State of California,
County of Los Angeles, ss.
City of Long Beach.

I, _____, residing at No. _____ Street, Long Beach, California, being first duly sworn, hereby declare myself a candidate for the office of _____ for the City of Long Beach to be voted for at the _____ municipal election to be held in said city on the _____ day of _____ 192__.

Signature of Candidate.

Subscribed and sworn to before me this _____ day of _____ 192__.

City Clerk.
By _____ Deputy.

THE NOMINATION PETITION.

Sec. 70. The name of a candidate shall be printed upon the ballot when a declaration of candidacy has been filed by the candidate, and a petition of nomination has been filed in his behalf, in the manner and form and under the conditions hereinafter set forth.

Sec. 71. The petition of nomination shall contain not less than twenty-five nor more than thirty-five signatures of electors duly qualified to sign same, and shall read substantially as follows:

PETITION OF NOMINATION OF

_____, Candidate for the office of _____

State of California, }
County of Los Angeles, } ss.
City of Long Beach.

I, the undersigned, being first duly sworn, hereby join in a petition for the nomination of _____ whose residence is No. _____ Street, Long Beach, California, for the office of _____ to be voted for at the _____ municipal election, to be held in the City of Long Beach, California, on the _____ day of _____ 192__, and I further certify that I am a qualified elector of the City of Long Beach, duly qualified to sign this petition, residing at the place herein mentioned; that I am not at this time a signor of any other petition nominating any other candidate for the above named office; and I further declare that I intend to support for such nomination the candidate named herein.

Date _____ 192__

Name _____

Residence _____

City District No. _____

County Precinct No. _____

Subscribed and sworn to before me this _____ day of _____ 192__

_____ City Clerk.

By _____ Deputy.

Declara-
tion of
candidacy.

Sec. 72. It shall be the duty of the city clerk to furnish the official forms of Declaration of Candidacy, and Petitions of Nomination.

Sec. 73. Each candidate shall be nominated separately. Each signor to the petition of nomination must be a qualified elector of the City of Long Beach; and in the case of a petition of nomination for a member of the city council, must reside in the same city district hereinbefore provided, wherein the candidate named in the petition resides; and must not at the time of signing have signed his name to the petition of any other candidate for the same office.

Sec. 74. Every petition of nomination must be signed at the office of the city clerk, and must be subscribed and sworn to before the city clerk or one of his deputies.

Sec. 75. (1) Following the filing of the Declaration of Candidacy, a petition of nomination may be signed not earlier than forty-five days before the date of the election, and shall remain open for signatures for ten days, or until thirty-five signatures have been signed thereto. On the thirty-fifth day before the day of the election, or as soon as thirty-five signatures have been signed to the nomination petition, the city clerk shall declare the nomination closed for the purpose of examination, and shall ascertain whether the signors are duly qualified as hereinbefore provided; and if twenty-five or more signors are found qualified, then the city clerk shall so certify and file the petition.

(2) Not later than thirty days before the date of the election, or as soon as the city clerk ascertains that less than twenty-five duly qualified signatures are on any petition, if the petition be found deficient, the city clerk shall at once notify the candidate of the deficiency, and five additional days exclusive of the day of mailing, shall be allowed for final completion of the nominating petition. Notice herein required shall consist of depositing in the postoffice at Long Beach, postage prepaid and registered, a letter containing such notice, addressed to the candidate at the residence named in the declaration of candidacy.

(3) If the supplemental nominating petition be found sufficiently signed as hereinbefore provided, the city clerk shall so certify and file the petition not later than twenty-five days before the day of the election. Every original or supplemental petition of nomination so certified shall not be

withdrawn or added to, and no signature shall be revoked thereafter, except as provided in the following paragraph.

(4) Any signer to any petition of nomination may withdraw his name from same not later than thirty days before the day of the election by filing with the city clerk a verified revocation of his signature, and not otherwise. If the petition at the time of this revocation has been certified by the city clerk as sufficient, and such revocation reduces the qualified signatures to less than twenty-five, the city clerk shall proceed under paragraph two of this section. Any elector withdrawing his name from a petition in the manner hereinbefore provided shall then be at liberty to sign a petition for another candidate for the same office.

CANDIDATE'S WITHDRAWAL.

Candidate's
withdrawal.

Sec. 76. Any person who has presented his name as a candidate and filed a declaration of candidacy may, not later than twenty-five days before the day of the election, cause his name to be withdrawn from nomination by filing with the city clerk a verified request therefor, and no name so withdrawn shall be printed upon the ballot.

CERTAIN PAPERS TO BE PRESERVED BY CITY CLERK FOR TWO YEARS.

Preservation
of
papers.

Sec. 77. The city clerk shall preserve in his office for a period of two years all declarations of candidacy, nominating petitions, withdrawals and all certificates belonging thereto filed under this article.

CERTIFICATION AND PUBLICATION OF LIST OF CANDIDATES.

Certification
and
publication
of
list of
candidates.

Sec. 78. Not later than twenty days before the day of the election, the city clerk shall enter the names of the candidates nominated as hereinbefore provided in a list, with the offices to be filled, and shall certify such list to the city council as being the list of candidates nominated as required by the City of Long Beach; and the city council shall cause said certified list of names, and the offices to be filled, to be published in the proclamation calling the election, at least ten successive days before the day of the election, in daily newspapers of general circulation in the City of Long Beach. Said proclamation shall conform in all respects to the general law of the State of California governing the conduct of municipal elections, now or hereafter in force, except as herein required.

OFFICIAL BALLOTS.

Official
ballots.

Sec. 79. (1) The city clerk shall cause the ballots to be printed and bound and numbered as provided by the state law, except as otherwise required in this charter. The ballots shall contain the list of names and respective offices as published in the proclamation aforementioned, and shall be substantially in the following form:

INSTRUCTIONS TO VOTERS		General Municipal Election, Long Beach, California. (Insert date)		Referenced Item		To vote stamp a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made forbidden. All designating marks forbidden, and make the ball's end. If you actually mark or cross, or define this ballot, return it to the clerk of elections and obtain another.	
	City Council	City Attorney—Vote for one	City Auditor—Vote for one	Police Judge—Vote for one			
	First District—Vote for one	GEO. L. HOODENPYLE	HENRY ADAMS	SAM BROWN	Charles Amendment	Yes	No
	JOHN DOR	BRUCE W. MASON	MYRTLE L. CUNSDL	FRID FLANK			
	WILLIAM GREEN	LOUIS N. HEALTON	JOHN P. WALKER	CARL V. HAWKINS	Referendum Ordinance	Yes	No
	Second District—Vote for one				Initiative Ordinance	Yes	No
	RICHARD BLACK						
	SAMUEL ROSS						
	Third District—Vote for one						
	JOHN PATCH						
	FRED WILLIAMS						
	Fourth District—Vote for one						
	SAMUEL ABEL						
	FRED JONES						
	Fifth District—Vote for one						
	CHARLES A. HOWAR						
	WILLIAM VARE						
	Sixth District—Vote for one						
	JOHN CALHOON						
	HARRY B. RILEY						
	Seventh District—Vote for one						
	JAMES HAINTELS						
	HENRY W. JOHNSON						

THIS INFORMATION IS FOR YOUR USE
BY REFERENCE ONLY

1215

Referenced Item

(2) All ballots shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all the candidates printed upon the ballot shall be in type of the same size and style. A column may be provided at the right hand side for charter amendments, initiative measures, referendum ordinances, or other questions to be voted upon at the general municipal election, if any, as provided for under this article. The names of the candidates for each office shall be placed upon the ballot in alphabetic order, and nothing on the ballot shall indicate the source of the candidacy, or of the support of the candidate. All charter amendments, or other propositions, if any, printed in the right hand column shall be placed on the ballot in the order in which they were filed with the city clerk.

(3) The name of any candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be printed upon the ballot.

(4) Half inch space shall be provided at the right of the name of each candidate wherein to stamp the cross (X).

(5) Half inch space shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote; PROVIDED, that in voting for a member of the city council, the person whose name is written in must be qualified under the provisions of section 50 of this charter.

SAMPLE BALLOTS.

Sample ballots.

Sec. 80. The city clerk shall cause to be printed sample ballots identical with the ballot to be used at the election, except as to quality and color of paper, and numbering, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least five whole days before the day of the election.

ELECTION PRECINCTS—INFORMALITIES OF ELECTION.

Precincts.

Sec. 81. The city council shall divide the city districts into as many voting precincts as are required for the proper functioning of the election, and shall fully describe same giving the boundary lines, and designating the polling places and naming the election officers in the election proclamation aforementioned.

No informalities in conducting the municipal election shall invalidate the election, if the election has been fairly conducted and in substantial conformity to the requirements of this charter, and the election laws of the State of California.

CANVASS OF RETURNS.

Sec. 82. The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections of the City of Long Beach; PROVIDED, that the city council shall meet as a canvassing board and duly canvass the election returns within seven days after any municipal election.

ELECTION RESULTS.

Sec. 83. The candidate for city attorney, city auditor, and police judge who shall receive the highest number of votes for his respective office shall be declared elected to such office. The entire electorate of the City of Long Beach shall be entitled to vote for one member of the city council from each of the seven districts. Only one member of the city council shall be elected from each of the seven districts; and the candidate for city council in each district receiving the highest number of votes shall be declared elected to such office.

ARTICLE VIII.

The Mayor.

ELECTION OF MAYOR.

Sec. 84. At the first meeting of the city council the members shall elect one member thereof as president of the city council, who shall be designated as the "Mayor of the City of Long Beach," and the said member so elected shall serve as such mayor for the term of three years, and until his successor is so elected and qualified.

DUTIES OF THE MAYOR.

Sec. 85. The mayor shall preside at all sessions of the city council, and shall act as spokesman of the body; he shall have charge of all civic functions, and perform the social duties usually appertaining to the position of mayor. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for military purposes. He may use the title of mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the state, may so require; but this shall not be construed as conferring upon him administrative or judicial functions or other powers or functions of a mayor, under the general laws of the state. The powers and duties of the mayor shall be such as are conferred upon him by this charter, together with such others as may be conferred by the city council in the pursuance of the provisions of this charter, and no others.

MAYOR'S EXPENSES.

Mayor's
expenses.

Sec. 86. The city council shall appropriate annually to the mayor for the purpose of entertainment and sundry expense, the sum of six hundred dollars (\$600) for which he need furnish no vouchers.

MAYOR PRO TEMPORE.

Mayor
pro
tempore.

Sec. 87. The city council shall have the power to elect one of their number to act as president during the absence or inability of the mayor to act, who shall exercise all the powers of the mayor.

ARTICLE IX.

THE CITY MANAGER.

City
manager.

Sec. 88. The city council shall appoint a city manager who shall be the administrative head of the municipal government, and shall be responsible for the efficient administration of all departments, *except* the city auditor, city attorney, police court, and the board of education. He shall be appointed without regard to his political beliefs, and solely on the basis of his executive and administrative qualifications, and may or may not be a resident of the City of Long Beach when appointed. He shall be appointed for an indefinite period, and cannot be removed from office, except by either a vote of five members of the city council, or recalled in the manner hereinafter provided by a majority of the electors of the city voting thereon at any election called for such purpose; PROVIDED, HOWEVER, that he may not be removed by the city council within twelve months from the date on which he assumes his duties, except for incompetence, malfeasance, misfeasance, or neglect of duty. In the case of his removal by the city council within said period, he may demand written charges and a public hearing thereon before the city council, prior to the date on which his final removal shall take effect; but the decision and action of the city council on such hearing shall be final, and pending such hearing, the city council may suspend him from duty.

ASSISTANT CITY MANAGER.

Assistant
city
manager.

Sec. 89. The city council shall have the power to appoint an assistant city manager, who shall be empowered to perform all duties of the city manager in the event of the absence or disability of his chief, and such other duties as the city manager shall direct.

POWERS AND DUTIES OF THE CITY MANAGER.

Powers and
duties of
city
manager.

Sec. 90. The powers and duties of the city manager shall be:

- (a) To see that all laws and ordinances are enforced.
- (b) To appoint and, except as herein provided, remove all heads or directors of the departments, and all subordinate

officers and employees in the departments in both the classified and unclassified service, EXCEPT elective officers and their appointees, and such officers as shall be subject to appointment by the city council. All appointments to be upon merit and fitness alone, and in the classified service all appointments and removals to be subject to the civil service provisions of this charter.

(c) To exercise supervision and control over all departments and divisions created herein, or that may hereafter be created by the city council.

(d) Except when the city council is considering his removal, to attend all regular meetings of the city council and its committees, with the right to take part in the discussion, but having no vote. He shall receive notice of all special meetings.

(e) To recommend to the city council for adoption such measures and ordinances as he may deem necessary or expedient.

(f) To keep the city council at all times fully advised as to the financial condition and needs of the city.

(g) To prepare and submit to the city council the annual budget.

(h) To see that all terms and conditions imposed in favor of the city or its inhabitants, in any public utility franchise, are faithfully kept and performed; and, upon knowledge of any violation thereof, to at once call the same to the attention of the city council, and to the attention of the city attorney whose duty it shall be to take such steps as are necessary to protect and enforce said terms and conditions.

(i) To approve all bonds, except that of the city manager.

(j) To perform such other duties as may be prescribed by this charter, or be required of him by ordinance or resolution of the city council.

(k) To cause, without notice, the affairs of any department, or the conduct of any officer or employee, to be examined. And any person or persons appointed by the city manager to examine the affairs of any department, or the conduct of any officer or employee, shall have the same power to compel the attendance of witnesses and the production of books and papers and other evidence, and to cause witnesses to be punished for contempt as is conferred upon the city council by this charter.

VACANCY.

Sec. 91. Whenever a vacancy occurs in this office, the city council shall immediately proceed to elect a city manager. Vacancy.

CITY MANAGER TO HAVE POWER TO SUSPEND CERTAIN OFFICERS.

Sec. 92. The city manager shall have the exclusive right to suspend all heads of departments, heads of divisions of departments and members of commissions, EXCEPT elective officers and members of the civil service board, for incompetency, neglect of duty, immorality, drunkenness, failure to obey Suspension.

orders given by proper authority, or for any other just and reasonable cause. Whenever any officer is so suspended the city manager shall forthwith certify the fact, together with the cause of suspension, to the city council, who, within five days of the date of receipt of such notice, shall proceed to hear such charges and render judgment thereon, which judgment shall be final. In the case of a suspension under this article the city manager shall have the power to name his successor, who shall serve pending the hearing and final determination thereof.

ARTICLE X.

The City Clerk.

APPOINTMENT.

City
clerk.

Sec. 93. The City Council shall appoint a city clerk, to serve during the pleasure of the city council, who shall be present at each meeting of the city council, and keep full and accurate minutes of its proceedings; and also separate books in which, respectively, he shall record all ordinances and official bonds; he shall keep all books properly indexed and open to the public inspection when not in use.

DUTIES OF THE CITY CLERK.

Duties.

Sec. 94. (1) The city clerk shall have the custody of and be responsible for the corporate seal, and all books, papers, records, contracts, and archives belonging to the City of Long Beach, or any department thereof, not in actual use by the other officers, or elsewhere by special provision committed to their custody.

(2) The city clerk shall without extra compensation, act as clerk or secretary ex-officio of any board or commission of the city government, except as herein otherwise provided, and shall keep full and accurate minutes of the proceedings thereof.

POWER TO ADMINISTER OATHS.

Power to
administer
oaths.

Sec. 95. The city clerk shall have the power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor.

OTHER DUTIES OF THE CITY CLERK.

Other
duties.

Sec. 96. The city clerk shall perform such other duties as may be prescribed by this charter, by general law, or by ordinance or resolution of the city council.

ASSISTANTS.

Assistants.

Sec. 97. The city council shall by ordinance appoint such assistants, deputies, stenographers and other clerks to assist the city clerk as are required.

ARTICLE XI.**Civil Service.****MEMBERS.**

Sec. 98. The city council shall appoint three electors of the city of Long Beach as a civil service board; one to serve for two years, one for four years, and one for six years to take office on the first Monday after the first day of July, 1921, or as soon thereafter as appointed and qualified. Members of the board shall not hold any other public office. The city council may remove any member of the board upon stating in writing the reasons for removal and allowing him an opportunity to be heard in his own defense. Any vacancy shall be filled by the city council for the unexpired term.

OFFICERS OF THE BOARD.

Sec. 99. Immediately after appointment, the board shall organize by electing one of its members chairman. The board shall appoint a chief examiner, who shall also act as secretary of the board. The board may appoint such other subordinates as the city council may by ordinance prescribe.

CLASSIFICATIONS.

Sec. 100. The civil service of the city is hereby divided into the unclassified and the classified service.

1. The unclassified service shall include:

- (a) All officers elected by the people.
- (b) All deputies and assistants of elective officers who hold their office during the pleasure of such elective officers.
- (c) The city manager, and the assistant city manager.
- (d) The heads of departments, and the heads of divisions of departments, and members of all appointive boards.
- (e) The deputies and secretaries of the city manager, and one secretary for each department, and the city clerk.

2. The classified service shall comprise all positions not specifically included in this charter in the unclassified service. There shall be in the classified service the following three classes, to be known as the competitive class, the non-competitive class, and the labor class:

- (a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examinations.
- (b) The non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, or may be determined by the rules of the board.
- (c) The labor class shall include ordinary unskilled labor.

PREFERENCES.

Preferences. Sec. 101. In all examinations before the civil service board, honorably discharged soldiers, sailors and marines of the United States government, and widows of such, and the wives of injured soldiers, sailors and marines who themselves are not qualified but whose wives are qualified to hold such positions, shall not be subject to any age limitations. If such person has obtained an average percentage of sixty-five where the average percentage required is seventy, he shall be eligible and his name shall be placed on the list above and be certified before the names of persons who have not been allowed preference. If the names of more than one preference claimant appear on the list, the name of the claimant having the highest average percentage shall head the list. Preference under this section does not apply to promotions, or to promotion examinations.

RULE.

Rule. Sec. 102. The civil service board, subject to the approval of the city council, shall adopt, amend, and enforce a code of rules and regulations, providing for appointment and employments in all positions in the classified service, based on merit, efficiency, character and industry, which shall have the force and effect of law: shall make investigations concerning the enforcement and effect of this article and of the rules adopted.

Sec. 103. The Chief examiner shall be the employment officer of all city employees, coming under the classified service. He shall provide examinations in accordance with regulations of the board and maintain lists of eligibles of each class of the service of those meeting the requirements of said regulations. Positions in the classified service shall be filled by him from such eligible lists upon requisition from and after consultation with the city manager. As positions are filled the employment officer shall certify the fact, by proper and prescribed form, to the city treasurer and the head of the department in which the vacancy exists.

PROMOTION.

Promotion. Sec. 104. The civil service board shall provide for promotion to all positions in the classified service, based on records of merit, efficiency, character, conduct and seniority.

PROBATION PERIOD.

Probation period. Sec. 105. An appointment or promotion shall not be deemed complete until a period of probation not to exceed six months has elapsed, and a probationer may be discharged or reduced at any time within the said period of six months, upon the recommendation of the head of the department in which said probationer is employed, with the approval of the majority of the civil service board.

DISCHARGE OR REDUCTION.

Sec. 106. No employee in the classified service shall be discharged or reduced in rank or compensation until he has been presented with reasons for such discharge or reduction in rank or compensation specifically stated in writing, and has been given an opportunity to be heard before the board in his own defense. The reason for such discharge or reduction, and any reply in writing thereto by such employee, shall be filed with the civil service board; PROVIDED, that the provisions of this section are at all times subject and subordinate to the provisions of section 108.

Discharge or
reduction.

APPEAL TO THE BOARD.

Sec. 107. Any employee of any department in the city in the classified service who is suspended, reduced in rank, or dismissed from a department by the head of that department, or the city manager, may appeal from the decision of such officer to the civil service board, and such board shall define the manner, time, and place by which such appeal shall be heard. The judgment of such board shall be final; PROVIDED, that the provisions of this section are at all times subject and subordinate to the provisions of section 108.

Appeal to
the board.

SUMMARY DISMISSAL.

Sec. 108. Any appointive officer or employee of the city, except assistant and deputies holding office at the pleasure of an elective officer, may be summarily dismissed for the good of the service by the city manager with the unanimous consent of the entire council.

Summary
dismissal.

PRESENT CIVIL SERVICE EMPLOYEES.

Sec. 109. All persons in the employ of the city holding positions in the classified service, as established by this charter at the time it takes effect, EXCEPTING all heads of departments, offices or commissions which are hereby specifically removed from the civil service provisions, shall retain same until discharged, reduced, promoted, or transferred in accordance herewith.

Present
civil
service
employees.

PAY ROLLS TO BE CERTIFIED.

Sec. 110. The city treasurer shall not pay any salary or compensation for service to any person holding a position in the classified service unless the payroll or account for such salary or compensation shall bear the certificate of the civil service board, by its secretary, that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this charter and of the rules established thereunder.

Pay rolls
to be
certified.

INVESTIGATIONS.

Investiga-
tions.

Sec. 111. In any investigation conducted by the civil service board it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation, and to administer oaths to such witnesses.

POLITICAL BELIEF—ASSESSMENTS—POLITICAL ACTIVITY.

Political
activity.

Sec. 112. No person in the classified service, or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, or religious belief. No officer or employee of the city shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or political purpose whatever. No person holding a position in the classified service shall take any part in political management or affairs or in political campaigns further than to cast his vote or to express privately his opinions.

VIOLATIONS AND PENALTIES.

Penalties.

Sec. 113. The civil service board, subject to the approval of the city council, shall determine the penalties for the violation of the civil service provisions of this charter. Such penalties, when fixed by ordinance by the city council, may be changed from time to time as required.

ARTICLE XII.

The Educational Department.

THE SCHOOL DISTRICT.

School
depart-
ment

Sec. 114. The School Department of the City of Long Beach shall comprise all the public schools within the City of Long Beach or within the territory that is now, or may hereafter be annexed thereto for school purposes, and shall be known as the "Long Beach City School District", and shall succeed to all the property, rights and privileges of the former Long Beach city school district, and shall consist of kindergarten, primary, grammar and high schools, as now established, and may, at the discretion of the board of education, include intermediate, technical, vacation, industrial or night schools and detention home.

THE BOARD OF EDUCATION.

Board of
education.

Sec. 115. The government of the schools shall be vested in the board of education, consisting of five members, who shall have been residents of the territory included in the district for two years next preceding the day of their election. They shall be elected by the voters of the district at large on the

second Tuesday in June following the date on which this charter goes into effect; PROVIDED, HOWEVER, that said members so elected at the first election of the members of the board of education held after this charter becomes effective shall so classify themselves by lot that the term of office of two of them shall expire on the first Monday in May in the year 1923, and the term of the office of three of them shall expire on the first Monday in May in the year 1925, and thereafter alternately the regular school election shall be held on the first Friday in April of each odd numbered year, and there shall be elected respectively two and three members of said board of education, whose term of office shall be four years; AND PROVIDED, FURTHER, that the members of the board of education holding office at the time this charter becomes effective shall continue to perform the duties of such office until their successors have been elected and have qualified under the provisions of this charter.

ELECTORS IN OUTSIDE TERRITORY MAY VOTE AT SCHOOL ELECTION.

Sec. 116. All territory included in the limits of the Long Beach City school district, or that may hereafter be included within such limits, but not within the city limits, shall be deemed a part of the City of Long Beach for the purpose of holding the first general municipal election after this charter becomes operative in so far as voting for members of the board of education or upon other matters relating to the schools, and only for such purposes, and thereafter at all school elections held under the terms of this charter; and shall constitute one or more separate election precincts, and the qualified voters therein shall vote at such elections for the purposes above mentioned, said outside territory being deemed a part of the city for school purposes only.

Electors in
outside
territory.

ELECTIONS.

Sec 117. All elections for members of the board of education, or issuing bonds of the school district, or on propositions to be submitted to the people of the school district shall be conducted in the same manner as general elections are conducted in the State of California. The officers of the election for all school elections shall receive the sum of four dollars each as compensation for their services.

Elections.

ORGANIZATION AND MEETINGS OF THE BOARD OF EDUCATION.

Sec. 118. The board of education shall enter upon the discharge of their duties on the first Monday in May after their election, and shall meet upon said day and annually thereafter and organize by electing one of their number president, and one as vice president, whose term of office shall be one year.

Meetings.

Sec. 119. The board of education shall hold a regular meeting at least once a month. Special meetings may be called by the secretary at the direction of the president, or by the

written request of three members; but no business shall be transacted at such meeting that has not been distinctly stated in the call.

Sec. 120. A majority of the members of the board of education shall constitute a quorum, but a vote of three members shall be required for transacting any business except to adjourn when a quorum is not present.

Sec. 121. The sessions of the board of education shall be public, and its minutes open to inspection. The board of education may determine its rules of procedure. The ayes and noes shall be taken and recorded when demanded by any member, and they shall be taken and recorded in all questions involving elections and appointments, or the expenditure of money. All warrants shall be signed by the president, or the vice president when sitting for him, and by the secretary of the board.

Sec. 122. The powers and duties of the board of education shall be as provided in the general law, except as hereinafter provided.

VACANCIES.

Vacancies. Sec. 123. Vacancies in the board of education shall be filled by the remaining members of the board until the next election for members of the board, and if there are no remaining members, by special election.

SECRETARY OF BOARD OF EDUCATION.

Secretary. Sec. 124. The board of education shall elect a secretary, who shall not be a member of the board, and shall fix his salary. His duties shall be prescribed by the board. His term of office shall be at the pleasure of the board, and he shall be empowered to administer oaths.

THE SUPERINTENDENT OF SCHOOLS.

Superintendent of schools. Sec. 125. The board of education shall elect a superintendent and shall fix his salary; such superintendent shall serve for a term of four years from and after the day of his election. Although not a member of the board of education, the superintendent shall have the rights and privileges of a member of the board, except the right to vote.

DUTIES OF THE SUPERINTENDENT.

Duties. Sec. 126. (1) The superintendent shall be the executive officer of the board of education, and shall enforce all rules and regulations adopted by the board, and perform such other duties as the board shall designate.

(2) The superintendent shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as nearly as may be ascertained, which may be necessary for the schools for the following year.

(3) He shall annually, and oftener when desired, make a

full report of the condition of matters under his jurisdiction, and shall make such recommendations as he shall deem best, and such annual report shall be published by the board of education for the information of the public, and for exchange with other cities.

OFFICES.

Sec. 127. The board of education shall provide suitable ^{Offices.} rooms for itself and for the superintendent, and such rooms shall be open to the public during such regular office hours as shall be established by a vote of the board.

ARTICLE XIII.

The Department of Engineering.

ORGANIZATION.

Sec. 128. The department of engineering shall consist of a ^{Department of engineering.} city engineer, and such assistants, deputies, clerks, employees and attaches as the city council may from time to time by ordinance prescribe and authorize. The city engineer shall be appointed, with confirmation of the city council, by the city manager; and shall serve during the pleasure of the city manager. The city engineer shall appoint, with the approval of the city manager, all assistants, deputies, clerks, employees and attaches, who shall serve during the pleasure of the city manager.

QUALIFICATIONS OF THE CITY ENGINEER.

Sec. 129. The city engineer shall be a civil engineer of ^{City engineer.} not less than five years practical experience as such.

POWERS AND DUTIES OF THE CITY ENGINEER.

Sec. 130. The city engineer shall possess the same power ^{Powers and duties.} in the city in making surveys, plats and certificates as is given by law to city engineers and county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of city engineers and county surveyors. He shall be the custodian of, and be responsible for, all maps, plans, profiles, field notes, and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof, and shall turn the same over to his successor who shall give him duplicate receipts therefor, one of which he shall file with the city auditor. All maps, plans, profiles, field notes, estimates, and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the city.

The city engineer shall have charge of the construction, maintenance, repair and operation of all public buildings belonging to or used by the city.

The city engineer shall have charge of, and be responsible for, the inspection of all buildings hereafter erected in the city, and the issuing of permits for building operations in accordance with the rules and regulations which may be prescribed by ordinance.

The city engineer shall have charge of, and be responsible for, the inspection of all electric wires for furnishing heat, light or power, and of the wiring of all buildings in accordance with the rules and regulations which may be prescribed by ordinance.

The city engineer shall also perform such other duties relating to his department as may be required of him by the city manager.

SERVICE TO OTHER DEPARTMENTS.

Service
to other
depart-
ments.

Sec. 131. It shall be the duty of the city engineer, subject to the approval of the city manager, to furnish to any department of the city such service, labor and materials as may be requisitioned by the head of such department. The expense of such service, labor and materials shall be charged to the department so furnished.

ARTICLE XIV.

The Department of Finance.

ORGANIZATION.

Depart-
ment of
finance.

Sec. 132. The department of finance shall consist of the city auditor, the city assessor, the city tax collector, the city treasurer, the city purchasing agent, and the city accountant.

THE CITY AUDITOR.

City
auditor.

Sec. 133. The city auditor shall be elected by the qualified electors of the City of Long Beach, and shall hold office for three years, and until his successor has been elected and qualified. The city auditor shall be an experienced accountant, preferably one who has had experience in municipal accounting.

DEPUTIES.

Deputies.

Sec. 134. The city auditor may appoint one or more deputies, with the confirmation of the city council, for whose acts he and his bondsmen shall be responsible; such deputies to serve during the pleasure of the city auditor.

DUTIES OF THE CITY AUDITOR.

Duties.

Sec. 135. The city auditor shall be the general accountant of the City of Long Beach, and of every department thereof, and shall keep full, true and detailed records of all accounts. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers, or copies thereof, relating to the accounts and contracts of the city, its debts, revenues and

other financial affairs. All such records shall be open for inspection during office hours. Accounts shall be kept for each public utility owned, or owned and operated, by the city, distinct from other city accounts and in such manner as to show the true and complete financial result of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the city of each public utility owned, or owned and operated, the cost of all extensions, additions and improvements; all expenses of maintenance; the amount set aside for sinking fund purposes; and in case of city operation, all the operating expenses of every description.

PAYMENT OF CLAIMS.

Sec. 136. (1) The city auditor shall approve no demand, excepting redemption of bonds and interest coupons, unless the same shall be made upon vouchers certified by the head of the appropriate department, approved by the city manager, allowed by the city council, and by means of warrants on the city treasurer issued by the city auditor. ^{Payment of claims.}

(2) The city auditor shall examine all payrolls, bills and other claims and demands against the City of Long Beach, and shall issue no warrant for payment unless he finds the claim is in proper form, correctly computed, and duly certified; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted; that the payment has been legally authorized; and that there is money in the treasury to make payment. The city auditor shall require every claimant to make oath to the validity of the claim; and for such purposes may examine witnesses under oath; and if he finds it fraudulent, erroneous, or otherwise invalid, he shall not issue a warrant therefor.

(3) The city auditor shall have the power to take affidavits and administer oaths in all matters relating to the business of his department, and shall make no charge therefor.

(4) If the city auditor, upon examination, believes that any demand is not a proper claim against the city, he shall immediately return said demand to the city council, with his objections indorsed thereon. Such demand shall again be considered by the city council, and if it shall again be approved by them and indorsed as required by this charter, the said objection of the city auditor shall be thereby overruled. Any demand upon which the objections of the city auditor has been overruled by the city council shall be again returned to the city auditor, who shall issue a warrant upon the treasurer for the same, in like manner as if it had been approved by him. If the demand is allowed, in whole or in part, he shall number the demand and indorse upon it the word "allowed" and the date of such allowance and sign his name thereto; shall specify the name of the fund out of which it is payable; and shall issue a warrant upon the treasurer for the amount allowed, number the warrant the same as the demand, and file

the demand in his office. No demand shall be approved, allowed or ordered paid unless it specify each item and the date thereof.

DUTY OF THE CITY AUDITOR TO COMPUTE THE TAX RATE.

Tax
rate.

Sec. 137. It shall be the duty of the city auditor, within the time provided by ordinance, to compute the tax rate for the various sections of the city and submit the same to the city council.

MONTHLY REPORTS TO BE SUBMITTED TO CITY AUDITOR.

Monthly
reports
to auditor.

Sec. 138. The city auditor shall demand of every officer and head of department a report to him on or before the fifth day of every month, of all moneys belonging to or for the use of the city, collected by said officer during the preceding month, and shall cause the same to be immediately deposited in the city treasury, as required by this charter.

CITY AUDITOR SHALL MAKE MONTHLY REPORT TO CITY MANAGER.

Monthly
report to
city
manager.

Sec. 139. The city auditor shall make a report to the city manager, on or before the tenth day of every month, of all moneys paid to the city treasurer, and the funds to which said moneys have been apportioned, and the amount of the warrants paid from each fund during the preceding month; and the balance remaining in each fund.

CITY AUDITOR'S ACCOUNTS WITH CITY TREASURER.

Accounts
with city
treasurer.

Sec. 140. The city auditor shall keep accurate accounts with the city treasurer, and his reports shall show at all times the exact condition of the treasury, and of all appropriations and expenditures. All such records shall be open for inspection during office hours. He shall apportion among the several funds all money not by law or ordinance specifically apportioned or appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. All money due and payable to the city shall be paid to the city treasurer on order of the city auditor, designating the fund in which said money shall be deposited. The city auditor shall keep an official record of all demands audited by him, showing the number, dates, amounts, names of claimants, for what purpose, and against what appropriations drawn.

ANNUAL INVENTORY.

Annual
inventory.

Sec. 141. The city auditor shall, immediately upon taking office and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies, and movable property of every kind and nature whatsoever, in each department, building and office of the city, and may require of each officer or department head an inventory of the same; and any officer or department head who

neglects or refuses to make such inventory required by the city auditor shall be punishable by removal from office.

CITY AUDITOR SHALL RECEIVE COPIES OF ALL CONTRACTS.

Sec. 142. A copy of every contract hereafter entered into, in which the City of Long Beach is a party, duly verified by the City Clerk to be a full, true and accurate copy, shall be filed by the city clerk with the city auditor within ten days after the same shall have been executed. Copies of contracts.

OTHER DUTIES OF THE CITY AUDITOR.

Sec. 143. The city auditor shall perform such other duties as may be required of him by this charter, by general law, or by ordinance. Other duties.

THE CITY ASSESSOR AND THE CITY TAX COLLECTOR.

Sec. 144. The city manager may appoint, with confirmation of the city council, the city assessor and the city tax collector. They shall serve during the pleasure of the city manager. Assessor and tax collector.

DUTIES OF THE CITY ASSESSOR AND CITY TAX COLLECTOR.

Sec. 145. The city council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter, or the general law; PROVIDED, that the city council shall have the power to avail itself, by ordinance, of any law of the State of California now or hereafter in force, whereby the assessment of property, the equalization of assessments, and collection of taxes, and the enforcement of collection of such taxes by sale of property or otherwise, may be made by the officers of the county in which the City of Long Beach is situated. All provisions of this charter concerning the assessment of property, the equalization of assessments, and the collection of taxes by the officers of the city, shall be suspended while any such ordinance remains in force. Duties.

THE CITY TREASURER.

Sec. 146. The city manager shall appoint, with the confirmation of the city council, the city treasurer. He shall serve during the pleasure of the city manager. City treasurer.

DUTIES OF THE CITY TREASURER.

Sec. 147. (1) The city treasurer shall be the custodian of all public money of the City of Long Beach, and all other public money coming into his hands as city treasurer. Duties.
 (2) Except as otherwise provided in this charter, the city treasurer shall collect, receive and disburse all public money of the City of Long Beach upon warrant issued by the city auditor, and shall receive and disburse all other public money

coming into his hands as city treasurer in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

(3) The city treasurer shall keep and preserve such moneys in the place or places determined by ordinance or by the provisions of any law applicable thereto.

DEPOSITING OF CITY MONEY IN BANKS.

Deposits
in banks.

Sec. 148. The city council shall have the power to avail itself by ordinance of any law of the State of California now, or hereinafter in force, whereby any or all money belonging to the city may be deposited in any National Bank or banks within the State, or any bank or banks organized under the laws of the State, in such manner, and under such conditions as may be provided by law; PROVIDED FURTHER, that such depository bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per cent per annum for such deposit as may be determined by bids to be submitted at such times and in such manner as the city treasurer may direct; AND PROVIDED FURTHER, that such deposit shall not exceed the paid up capital, exclusive of reserve and surplus, of any such depository bank; AND PROVIDED ALSO, that no public moneys shall be deposited in any bank outside of the City of Long Beach while there are other qualified banks within the city requesting such deposits on the same terms and conditions.

THE CITY PURCHASING AGENT.

City pur-
chasing
agent.

Sec. 149. The city manager shall appoint, with the confirmation of the city council, the city purchasing agent. He shall serve during the pleasure of the city manager.

DUTIES OF THE PURCHASING AGENT.

Duties.

Sec. 150. The duties of the city purchasing agent shall be provided by ordinance, and he shall be at all times under the supervision and control of the city manager.

THE CITY ACCOUNTANT.

City
accountant.

Sec. 151. The city manager shall appoint, with the confirmation of the city council, the city accountant. He shall serve during the pleasure of the city manager.

DUTIES OF THE CITY ACCOUNTANT.

Duties.

Sec. 152. The duties of the city accountant shall be to install and have supervision over the accounts of all departments and offices of the City of Long Beach, with the exception of the city auditor's office. The city accountant shall examine into the books and accounts of all city departments and offices, the city auditor's office alone excepted, at the direction of the city manager. He shall require depart-

mental reports of all moneys, receipts and expenditures, at stated intervals, which report shall be furnished upon his request.

APPOINTMENT OF ASSISTANTS, DEPUTIES, ETC.

Sec. 153. With the exception of the deputy or deputies of the city auditor; each department head in the department of finance shall appoint, subject to the approval of the city manager, all assistants, deputies, clerks and attaches of their respective departments. All such assistants, deputies, clerks and attaches to serve during the pleasure of the city manager.

Appoint-
ment of
assistants,
deputies,
etc.

ARTICLE XV.

Department of Public Safety.

Consisting of Police, Fire, and Health and Sanitary Departments.

Depart-
ment of
public
safety.

GENERAL POWERS AND DUTIES.

Sec. 154. The city manager shall be the executive head of the "Department of Public Safety", consisting of the police, fire, health and sanitary departments. He shall also be the chief administrative authority in all matters affecting the inspection and regulation of the maintenance, repair and occupancy of all buildings as may be ordained by the city council, or established by the general law of the State of California. He shall also be charged with the enforcement of all laws and ordinances relating to weights and measures.

Police Department.

ORGANIZATION.

Sec. 155. The police department of the City of Long Beach shall consist of a chief of police, a police force, and all such other officers, clerks, employees and attaches as the city council may, from time to time, by ordinance, prescribe and authorize.

Police
depart-
ment.

QUALIFICATIONS.

Sec. 156. Every appointee in the police department must possess the physical qualifications prescribed by the civil service board, and, before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

Qualifica-
tions.

CHIEF OF POLICE.

Sec. 157. The Chief of Police shall be appointed, with confirmation of the city council, by the city manager, and shall serve during the pleasure of the city manager; PROVIDED, HOWEVER, that should a member of the regular police force of the city be appointed chief of police, his dismissal by the

Chief of
police.

city manager from the office of chief of police shall not accomplish his dismissal from the department, but he shall be restored to the rank and grade held by him prior to his appointment as chief of police. In the case of the absence, suspension, disability or death of the chief of police, the city manager shall appoint an officer to act in his stead until the disability is removed or the vacancy filled.

POWERS AND DUTIES OF THE CHIEF OF POLICE.

Powers and duties.

Sec. 158. The chief of police shall have the exclusive control of the stationing and transfer of all patrolmen and other officers and employees constituting the police department, under such rules and regulations as the city manager may prescribe.

EMERGENCY APPOINTMENTS.

Emergency appointments.

Sec. 159. In case of an emergency the city manager may appoint additional patrolmen and officers for temporary service, who need not be in the classified service. No person shall act as special policeman, detective, or other special officer for any purpose whatsoever, except upon written authority from the city manager. Such authority shall be exercised only under the direction and control of the chief of police, and for a specified time.

CHIEF OF POLICE TO HAVE CONCURRENT JURISDICTION WITH SHERIFFS.

Powers of sheriff.

Sec. 160. In the enforcement of law and of the ordinances of the city, and in the suppressions of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws or public authority, the chief of police shall, in the lawful exercise of his functions, have all the powers that are now or may hereafter be conferred upon sheriffs by the laws of the State of California.

RULES AND REGULATIONS GOVERNING THE POLICE DEPARTMENT.

Rules.

Sec. 161. The police department shall be governed at all times by such rules and regulations as the city manager may prescribe.

Fire Department.

ORGANIZATION.

Fire department.

Sec. 162. The fire department of the City of Long Beach shall consist of a fire chief, an assistant fire chief, firemen, extra men, and such other officers, clerks, employees and attaches as the city council may, from time to time, by ordinance prescribe and authorize.

QUALIFICATIONS.

Sec. 163. Every appointee in the fire department must possess the physical qualifications prescribed by the civil service board, and, before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

CHIEF OF THE FIRE DEPARTMENT.

Sec. 164. The chief of the fire department shall be appointed, with confirmation of the city council, by the city manager, and shall serve during the pleasure of the city manager; PROVIDED, HOWEVER, that should a member of the regular fire department of the city be appointed chief of the fire department, his dismissal by the city manager from the office of chief of the fire department shall not accomplish his dismissal from the department, but he shall be restored to the rank and grade held by him prior to his appointment as chief of the fire department.

ASSISTANT FIRE CHIEF.

Sec. 165. The assistant fire chief shall be appointed, with the approval of the city manager, by the chief of the fire department, and shall serve during the pleasure of the city manager; PROVIDED, HOWEVER, that should a member of the regular fire department be appointed assistant fire chief, his dismissal by the city manager from the office of assistant fire chief, shall not accomplish his dismissal from the department, but he shall be restored to the rank and grade held by him prior to his appointment as assistant fire chief. In the case of the absence, disability or death of the chief of the fire department, the assistant fire chief shall assume charge of the department.

POWERS AND DUTIES OF THE CHIEF OF THE FIRE DEPARTMENT.

Sec. 166. The chief of the fire department shall have control and management of the department, under such rules and regulations as may be prescribed by the city manager, and the direction of all members of the department in the lawful exercise of his functions with full power to detail any of them to such public service as he may direct. He shall, subject to the direction of the city manager, have control of the various engine houses and of the apparatus of the department. He shall devote his entire time to the discharge of the duties of his office and shall not, save when on vacation, absent himself from the city except with the written permission of the city manager; but in no case shall both the chief of the fire department and the assistant fire chief be absent from the city at the same time.

EMERGENCY APPOINTMENTS.

Emergency
appoint-
ments.

Sec. 167. In case of riot, conflagration or emergency the city manager may appoint additional firemen and officers for temporary service, who need not be in the classified service. Such authority shall be exercised only under the direction and control of the chief of the fire department, and for a specified time.

Health and Sanitation.

ORGANIZATION.

Health
depart-
ment.

Sec. 168. There shall be a department of public health and sanitation under the administration and control of the city health officer, who at all times shall be subject to the supervision and control of the city manager in all matters.

DUTIES OF HEALTH DEPARTMENT.

Duties.

Sec. 169. The city manager and said health department shall have supervision of all matters pertaining to the sanitary conditions of the city and the health of its inhabitants and full power is hereby given the city manager and the health department to supervise, control and regulate, among other things:

- (1) Defective drainage and sewage disposal.
- (2) Nuisance of every description.

(3) The care, preparation, manufacture and sale of all articles of food or drink, or anything used for human or animal consumption; and to fix and prescribe: Quarantine and other regulations framed to prevent the spread of infectious, communicable or contagious diseases dangerous to the public health, including the establishment and maintenance of an isolated hospital, and the removal thereto of any person in the city affected with an infectious, communicable or contagious disease which it shall be impossible so to quarantine and regulate in the dwelling of said person as to safeguard the public health and including the power, when a case of disease so suspected to be infectious, communicable, contagious or dangerous to the public health is reported to the health department, to visit the premises where such case is reported as being and examine the condition of such person; to supervise, control and regulate the relief of the indigent sick and wounded in the city, including the establishment and maintenance of a free dispensary and emergency hospital.

(4) To regulate or prohibit the manner and place of killing and dressing any animal, fowl, bird or fish, not already regulated or prohibited by general law. And to compel the owners or occupants of property to keep the same free from anything obnoxious, filthy or dangerous to the public health.

THE CITY HEALTH OFFICER.

City
health
officer.

Sec. 170. The principal officer and executive of the health department shall be the city health officer; he shall be ap-

pointed, with confirmation of the city council, by the city manager; and shall serve during the pleasure of the city manager.

QUALIFICATIONS.

Sec. 171. The city health officer shall be a graduate of a reputable medical college, licensed to practice in the State of California, and shall have practiced medicine for at least five years next preceding the date of his appointment. ^{Qualifications.}

POWERS OF CITY HEALTH OFFICER.

Sec. 172. The following powers are hereby conferred upon ^{Powers.} the city health officer:

(a) The city health officer shall have all the powers and shall be subject to all the duties conferred on boards of health and on health officers by the general law of the State, and shall have such other powers and duties as may be conferred by ordinance. The city health officer may also be the city physician.

(b) As city physician, he shall attend free of charge, when called upon, the injured and the indigent sick in the city. He shall have charge of any receiving hospital or dispensary establishment for the treatment of emergency cases and the sick poor.

(c) He shall have the power, with the written approval of the city manager, to appoint such subordinates as are necessary to the efficiency of the department, including a veterinarian and a sanitary inspector; and, with the written approval of the city manager, he shall prescribe the duties of all such subordinates hereinbefore named.

(d) He shall have the power, with the written approval of the city manager, to remove all appointees of the health department.

(e) He may also, with the written approval of the city manager, appoint one or more physicians, emergency surgeons, dentists, nurses, bacteriologists, chemists, food and market inspectors, and a clerk of the department; and may, with the written approval of the city manager, prescribe and direct their duties.

RULES AND REGULATIONS.

Sec. 173. The city health officer, with the approval of the city manager, shall prescribe rules, regulations and requirements not in conflict with this charter, the general law, or the ordinances of the city, for the conduct of the business of the department, the preservation of public health, and the maintenance of proper sanitary conditions within the city, including such forms and regulations for the government of physicians, undertakers, and the administrators of cemeteries as shall be designed to preserve reliable vital and mortality statistics within and pertaining to said city. ^{Rules and regulations.}

INSPECTIONS.

Inspections.

Sec. 174. The city manager, the city health officer or any authorized inspector of this department shall inspect, when called upon by any person, or when in his or their judgment it seems necessary, any and all things offered for sale, or to be given away or given in exchange for use as food or drink, or for human or animal consumption, and shall have the right to enter at any time for the purpose of making such examination or inspection any place or building where anything for use as food or drink, or for human or animal consumption is stored, manufactured, kept for sale, or to be given away or given in exchange; and no person shall be permitted to sell or dispose of anything pronounced by said city manager or by said city health officer, or any authorized inspector of this department, to be unfit for food or drink or for human or animal consumption, but all such articles may be seized and destroyed by said city manager, city health officer or authorized inspector.

ADDITIONAL POWERS.

Additional powers.

Sec. 175. The city health officer shall enforce all ordinances and laws relating to health, and shall perform all duties and have all the powers provided by general law relative to the public health to be exercised in municipalities by health officers; PROVIDED, that regulations affecting the public health additional to those established by general law and for the violation of which penalties are imposed, may be enacted by ordinance by the city council and enforced as provided therein.

CONDEMNATION NOTICES.

Condemnation notices.

Sec. 176. When the city manager, the city health officer, or any authorized inspector of the department shall have inspected any place or building used for the storage, manufacture, sale or giving away or exchanging of anything used for food or drink or human or animal consumption, and shall have found such place or building to be so filthy or unsanitary; or the methods or practices therein used so filthy or unsanitary as to endanger the public health, said city manager, city health officer or authorized inspector shall post at the entrance of said place or building notice of such inspection and finding and shall maintain such notice until the conditions or practices dangerous to the public health shall have been remedied or abated, and shall close such place or building and prevent its use for the storage, manufacture, sale, giving away or exchange of anything for use for food, drink or human or animal consumption, until said place or building shall be put in such condition and so used as no longer to endanger the public health.

CITY HEALTH OFFICER TO CERTIFY TO SUPERINTENDENT OF SCHOOLS.

Sec. 177. The city health officer shall certify to the superintendent of schools the names and addresses of all persons within the city sick of such infectious, communicable or contagious diseases as may be listed by the health department so to be certified. Notice of infectious diseases.

ENFORCEMENT OF REGULATIONS BY HEALTH OFFICER.

Sec. 178. The city health officer shall see to it that the laws of the state and ordinances of the city relative to public health and sanitation, and all rules, regulations, orders and requirements of the health department are promptly enforced. The city manager, the city health officer, and any other regularly appointed employee of the health department shall have the right and power to arrest any person or persons who may violate any of the rules, regulations, orders or requirements of the health department, or any ordinance or general law relating to the maintenance of the public health and sanitation of the city. Enforcement of regulations.

ABATEMENT OF NUISANCE.

Sec. 179. It shall be the duty of the city manager and of the city health officer to abate, or cause to be abated, any and all nuisances within the city limits that are offensive to the senses, or that are, or threaten to become, if suffered to continue, detrimental to the public health. All pools of stagnant water, and all collections of filth, garbage, manure or other substances that are, or may become, breeding places or food for mosquitoes, flies, rats or other disease-carrying insects or animals, are hereby declared to be nuisances within the meaning of this section. Whenever any such nuisance exists within the city limits, the city manager or city health officer shall upon acquiring knowledge thereof order the owner or occupant of the premises whereon such nuisance exists to abate or remove the same within such time as shall be specified in the order. If the owner or occupant of such premises fails, neglects or refuses to obey such order, or if the premises be unoccupied and the owner, or his agent, can not be found upon reasonable inquiry, the city manager or city health officer shall proceed summarily to abate or remove such nuisance and shall defray the expense thereof out of any moneys in the city treasury available for such purpose. All expenditures so incurred shall be charged against the owner, and shall be a lien upon the lot and premises whereupon such nuisance existed. It shall be the duty of the city manager or city health officer to forward forthwith to the city attorney a written statement of all such expenditures incurred by him in carrying out the provisions of this section, and it shall be the duty of the city attorney Abatement of nuisance.

to proceed without delay to foreclose such lien, or otherwise compel the owner of such premises to repay the amount thereof to the city, together with all costs and charges of collection.

STATISTICAL INFORMATION.

Statistical
information.

Sec. 180. The city health officer shall enforce all rules and regulations which may be adopted for the carrying out and enforcement of a good sanitary condition of the city; for the protection of the public health; for determining the nature and character of nuisances and for their abatement; securing the proper registration of births, deaths and other statistical information. He shall from time to time submit to the city manager, for presentation to the city council, a draft of such ordinances, rules and regulations as he may deem necessary to promote the objects mentioned in this article.

CITY HEALTH OFFICER TO HAVE POLICE POWER.

Police
power.

Sec. 181. The city health officer shall have the power of a police officer.

CITY HEALTH OFFICER TO ISSUE PERMITS FOR BURIALS, ETC.

Burial
permits.

Sec. 182. The city health officer shall issue all permits for burials, exhumations, and cremations within the city limits, or within cemeteries owned or controlled by the city, and shall exercise over cemeteries without the city such control and supervision as is by general law provided. No interment, cremation or exhumation shall be made in any cemetery within the city, or within any cemetery within the city's jurisdiction, unless the city health officer or responsible subordinate is satisfied of the correctness and reliability of the certificate of death presented for his inspection. The city health officer or his responsible subordinate shall keep such record, make such reports and perform such duties in relation to cemeteries and the disposal of the dead as may be required of him by general law, by this charter, or ordinance, or by the rules, regulations and requirements of the health department.

SICK TO BE REPORTED TO HEALTH OFFICER.

Reports of
sickness.

Sec. 183. Every person who shall fail to report such case of sickness as required herein, and every householder or head of family who shall knowingly conceal such case of sickness, and every person who shall so go or conduct himself or allow a minor child to so go or conduct himself upon a street or other public ground while suffering from such disease, which the health department has issued official notice is to be reported as infectious, communicable, contagious or dangerous to the public health, as to expose other persons to the danger of contracting the same disease, and every person who shall fail to comply with the rules, regulations and requirements of

the health department, shall be subject to such fines and penalties as the city council, by ordinance, may prescribe.

AUTHORITY TO ADMINISTER OATHS.

Sec. 184. The city manager and the city health officer ^{Oaths.} shall have authority to administer oaths, and require the giving of sworn testimony, in matters connected with the health department.

GENERAL SUPERVISION IN POLICE, FIRE, AND HEALTH AND
SANITARY DEPARTMENTS.

Sec. 185. The chief of police, chief of fire department, and city health officer shall have the right to suspend any of the officers or employees in their respective departments, who may be under their management and control, for incompetence, neglect of duty, immorality, drunkenness, failure to obey order given by proper authority, or for any other just and reasonable cause. If any officer or employee be suspended, as herein provided, the chief of the department concerned shall forthwith in writing certify to the city manager the fact, together with the cause for the suspension, and the judgment rendered thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, or dismissal, and such judgment in the matter shall be final, except as may be provided in the rules and regulations of the civil service board. The city manager in any such investigation shall have the same power to administer oaths and secure the attendance of witnesses and the production of books and papers as is conferred upon the city council. <sup>General
superintendent
in depart-
ments.</sup>

RELIEF OF POLICEMEN, FIREMEN, AND HEALTH OFFICERS.

Sec. 186. The city council may provide by general ordinance for the relief, out of the police, or fire, or health and sanitary funds, of members of the police, fire, and health and sanitary departments, temporarily or permanently disabled in the discharge of their duties. Nothing herein shall impair, restrict or repeal any provision of general law authorizing the levying of taxes to provide for firemen, police, and health and sanitary department pension funds, and to create and perpetuate boards of trustees for the administration of such funds. <sup>Relief of
officers.</sup>

ARTICLE XVI.

THE DISABILITY, RELIEF AND PENSION FUND.

Sec. 187. The city council shall have the power to create, by ordinance, a fund to be known as the "Relief and Pension Fund", and provide for the payment into said fund a percentage of each month's pay for all the members of the police and fire departments and from all the members of such other <sup>Relief and
pension
fund.</sup>

departments as may by said ordinance be declared to be entitled to relief out of said fund, and also authorize the city manager to include in his annual budget an amount not exceeding two per cent of the general tax levy to be paid into said fund.

Sec. 188. If the city council creates such a fund, it shall in the ordinance creating the same designate who are to receive benefits out of said fund and upon what conditions and to what extent; PROVIDER, that no member of any department, or the widow or children of such member, shall be entitled to a pension unless such member shall have been an active member of the department for at least twenty years.

ARTICLE XVII.

Department of Public Welfare.

Department of public welfare.

Sec. 189. The department of public welfare shall be under the supervision and control, in all matters, of the city manager. It shall include social welfare, recreation, the Long Beach Public Library, and such other activities as the city council shall deem necessary and shall by ordinance hereafter establish.

Social Welfare.

SUPERINTENDENT OF SOCIAL WELFARE.

Superintendent of social welfare.

Sec. 190. The city manager shall appoint, with the confirmation of the city council, the superintendent of social welfare. He shall serve during the pleasure of the city manager.

GENERAL POWERS AND DUTIES.

General powers and duties.

Sec. 191. Subject to the supervision and control of the city manager in all matters, the superintendent of social welfare shall have the following powers and duties:

(a) To supervise and direct all charitable, correctional and reformatory institutions and agencies belonging to the city.

(b) To employ, transfer and discharge nurses and other employces in this department; to provide for the study of and research into causes of poverty, delinquency, disease and crime, and other social problems of the city; and, in cooperation with other departments of the city, and, with public and private agencies, by means of lectures and exhibits, to promote the education and understanding of the city in any and all matters which affect the public welfare.

(c) To have supervision of public relief, social service, nursing, parents' educational center, humane treatment of children, juvenile delinquency, home finding, labor bureau, health, welfare and relief service; and to seek, by agreement with the county, state or federal authorities and with public and private agencies operating within the city, to consolidate under common supervision, all activities of their various jurisd-

dictions and agencies which fall within the scope of the foregoing duties, and any other service which the city council may determine.

(d) To keep a complete record of daily work, including a record of all individuals applying for or receiving relief or other service; to submit a general and financial report in writing to the city manager not less than once each month. The case records of this department shall be subject at all times to inspection and examination by the city manager.

(e) The superintendent of social welfare may cooperate with private agencies operating in this field, and may operate for or in cooperation with such private agencies in the administration of such trust funds of individuals or of organizations that may be placed in his hands for purposes of welfare and relief work; and such other activities as shall from time to time be prescribed by the city council, by ordinance or resolution.

Public Recreation.

SUPERINTENDENT OF PUBLIC RECREATION.

Sec. 192. The city manager shall appoint, with confirmation of the city council, the superintendent of public recreation. He shall serve during the pleasure of the city manager.

GENERAL POWERS AND DUTIES.

Sec. 193. Subject to the supervision and control of the city manager in all matters, the superintendent of public recreation shall have the following powers and duties:

(a) To supervise, direct and control all public amusements and entertainments, such as playgrounds, recreation centers, and all games, recreations, picnics, athletic sports and physical exercises that are or shall be permitted to be conducted in any of the public buildings, public parks, beaches or other public lands, water fronts, lakes or waterways belonging to or controlled by the city.

(b) To have supervision and management of the municipal auditorium, the municipal camping ground or grounds, the municipal band, and all other amusement or recreational agencies operated or controlled by the city.

(c) To have supervision of publicity and advertising for which city funds are or shall be appropriated.

(d) To employ all necessary supervisors, assistants and other helpers in the department, to discharge them, and to adopt rules and regulations for the administration and government of the department.

(e) To keep a complete record of daily work and of all proceedings relative to recreational activities, the municipal band, and all special events and features under the department; to submit a general and financial report, in writing, to the city manager not less than once each month, and more often if required so to do by the city manager.

LONG BEACH PUBLIC LIBRARY.

Public
library.

Sec. 194. The public library of the City of Long Beach, which shall be forever free to the inhabitants and non-resident taxpayers of the city, and such art galleries, museums, or similar institutions as may be from time to time established, shall be managed and controlled by the city manager

BOOK COMMITTEE.

Book
committee

Sec. 195. The city manager shall appoint annually three electors of the city to serve as a book committee. They shall serve without compensation.

LIBRARIAN.

Librarian.

Sec. 196. The city manager shall appoint, with confirmation of the city council, the librarian. He shall serve during the pleasure of the city manager.

QUALIFICATIONS OF THE LIBRARIAN.

Qualifica-
tions.

Sec. 197. The librarian must be either a graduate of an accredited Library School; or possess a certificate of qualification issued by the Board of Library Examiners of the State of California; or present a statement from the three members of the Board of Library Examiners of the State of California, that in their judgment the applicant is qualified to fill the position of librarian. The librarian, and the first assistant librarian, may or may not be residents of the City of Long Beach when appointed.

ASSISTANTS.

Assistants.

Sec. 198. The librarian shall appoint, with the approval of the city manager, such assistants as are required; and shall assign to such assistants their respective duties. Such assistants to serve during the pleasure of the city manager.

DUTIES OF THE LIBRARIAN.

Librarian.

Sec. 199. (1) The librarian shall, subject to the approval of the book committee, purchase all necessary books, papers, publications, and special library equipment.

(2) The librarian shall submit monthly to the city manager such reports as the city manager shall require.

LIBRARY FUNDS.

Library
funds.

Sec. 200. The city manager shall apportion, with the approval of the city council, the money received from the Library Tax provided in section 259 of this charter, and all other moneys belonging to the library funds, into three funds, in such proportions as shall to the city manager seem proper, to be known as:

(a) The Book Fund, to be used for the purchase of books and periodicals, and the binding and rebinding of books in the library and branch libraries.

(b) The Salary Fund, to be used for the payment of salaries of the librarian and assistants.

(c) The Repair and Maintenance Fund, to be used for the repair and maintenance of buildings, rent and other miscellaneous expenses.

PAYMENT OF CLAIMS.

Sec. 201. Claims to be paid out of these funds must be based on vouchers signed by the librarian and countersigned by the city manager. Payment of claims.

PURCHASE OF SUPPLIES.

Sec. 202. All supplies except books, periodicals and special library equipment must be purchased through the city purchasing agent. Purchase of supplies.

ARTICLE XVIII.

The Department of Law.

ORGANIZATION.

Sec. 203. The department of law shall consist of the city attorney, and such assistants, deputies, stenographers, clerks and other employees as the city council may prescribe and authorize by ordinance. Department of law.

QUALIFICATIONS.

Sec. 204. The city attorney shall be elected by the qualified electors of the City of Long Beach, and shall hold office for three years, and until his successor shall have been elected and qualified. He must be qualified to practice in all the courts of the State of California, and must have been so qualified for at least five years next preceding the day of his election. All assistants of the city attorney must, at the time of their appointment, have been for one year next preceding the date of their appointment, qualified to practice in all of the courts of the State of California. Qualifications.

APPOINTMENTS BY CITY ATTORNEY.

Sec. 205. The city attorney shall appoint, with the confirmation of the city council, all other members of the department of law, for whose acts he shall be responsible. Such appointees to serve during the pleasure of the city attorney. Appointments by city attorney.

DUTIES OF THE CITY ATTORNEY.

Sec. 206. The city attorney shall prosecute, on behalf of the people, all criminal cases arising from violation of the ordinances of the city; shall attend to all suits, matters and proceedings in which the city may legally be interested; and Duties of city attorney.

shall defend all suits for damages instituted against officers and employees and former officers and employees for acts performed by them in furtherance of their duty while in the employ of the city; PROVIDED, that the city council shall have control of all litigation of the city, and may employ other attorneys to assist the city attorney.

CITY ATTORNEY TO ATTEND MEETINGS OF CITY COUNCIL.

Attendance
at council
meetings.

Sec. 207. The city attorney shall be in attendance at every regular meeting of the city council; and shall give his advice or opinion in writing, whenever so required to do by the city council, the city auditor, the city manager, and all other officers, boards and departments of the city, and for the Board of Education in all matters relating to their official duties.

CITY ATTORNEY SHALL APPROVE ALL BONDS.

Approval
of bonds.

Sec. 208. The city attorney shall approve the form of all bonds given to the city, and all contracts before the same are entered into on behalf of the city, and shall endorse his approval thereon in writing. He shall, whenever required by the city council, or any member thereof, or the city manager, draft any or all proposed ordinances or resolutions for the city or amendments thereto, and shall do and perform all such things touching his office as the city council may require of him.

CITY ATTORNEY SHALL KEEP FILE OF OPINIONS, ETC.

Opinions.

Sec. 209. City attorney shall keep on file in his office copies of all written communications and opinions given by him to the city council, or any member thereof, the city manager, and to all officers, boards and departments of the city, and to the Board of Education; copies of all papers and briefs used by him in cases wherein he appears, and books of record and registry of all actions of proceedings in his charge in which the city or any officer thereof is a party or interested; and on vacating his office shall surrender all such books, files, and documents pertaining to the city's business to his successor.

SECRET SERVICE FUND.

Secret
service
fund.

Sec. 210. The city attorney is invested with the power, and it shall be his duty to investigate and enforce all provisions of this charter, of the general law applicable to municipal corporations, and of the ordinances of the city, in all courts in the State of California. For this purpose, with the approval of the city council, he shall be allowed such secret service funds as shall be necessary; and with approval of the city council, may employ special investigators.

ARTICLE XIX.

The Department of Public Service.

THE DIRECTOR OF PUBLIC SERVICE.

Sec. 211. The city manager shall appoint, with the confirmation of the city council, a director of public service; and such other assistants as shall be required for the proper administration of the department. All such appointees to serve during the pleasure of the city manager.

Director
of public
service.

GENERAL POWERS AND DUTIES.

Sec. 212. Subject to the supervision and control of the city manager in all matters, the director of public service shall manage and have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts, and other public highways; of sewers, drains, ditches, culverts, canals, streams and water courses; of all public buildings; of boulevards, squares, and other public places and grounds belonging to the city or dedicated to public use; and of the upkeep of parks and playgrounds. He shall manage public markets and market houses, sewage disposal plants and farms, and all public utilities of the city. He shall have charge of the enforcement of all the obligations of privately owned or operated public utilities enforceable by the city. He shall have charge of the making and preservation of all surveys, maps, plans, drawings, and estimates for such public work; the cleaning, sprinkling and lighting of streets and other public places; the collection and disposal of waste; the preservation of contracts, papers, plans, tools, and appliances belonging to the city and pertaining to this department.

General
powers
and duties.

SEWER, WATER, GAS AND OTHER CONNECTIONS.

Sec. 213. Subject to the supervision and control of the city manager in all matters, the director of public service shall have the authority to compel the making of sewer, water, gas and other connections whenever, in view of the contemplated street improvements, or as a sanitary regulation, sewer, water, gas and other connections should in his judgment be constructed. He shall cause written notice of his determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person, designated by the director of public service, in the manner provided for the service of summons in civil actions. Non-residents of the city, or persons who cannot be found, may be served by one publication of such notice in the official newspaper of the city. The notice shall state the time within which such connections shall be constructed; and if they be not constructed within the said time, the work may be done

Sewer,
water, gas
and other
connections.

by the city, and the cost thereof, together with a penalty of five per cent (5%) assessed against the lots and parcels of land for which such connections are made. Such assessments shall be certified and collected as other assessments for street improvements.

STREETS.

Streets.

Sec. 214. Except as provided herein, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers, establishing of and changing grades of streets, and providing for the laying out, opening, widening, straightening, or closing up, in whole or in part, of any street, square, lane, alley, court or place within the municipality, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within the municipality, and to provide for the payment of such bonds; and provide for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts, and places within the municipality, and of hedges upon the lines thereof, and for the eradication of weeds within the city limits, now in force, or which may hereafter be adopted by the legislature of this state, is hereby made a part of this charter, and shall govern the city council in such matters.

ARTICLE XX.

Department of Public Utilities.

ORGANIZATION.

Department of public utilities.

Sec. 215. There is hereby created and established a department of public utilities to be under the supervision and control of the city manager in all matters. This department shall consist of the water department of the City of Long Beach, and such other public utilities as may from time to time be owned, operated or controlled by the city.

SUPERINTENDENT OF THE WATER DEPARTMENT, AND OTHER HEADS OF DEPARTMENTS.

Appointments.

Sec. 216. The city manager shall appoint, with the confirmation of the city council, a superintendent of the water department; and such other superintendents or heads of other departments as shall become necessary from time to time. All such appointees to serve during the pleasure of the city manager.

POWERS OF CITY MANAGER IN RELATION TO WATER DEPARTMENT.

Sec. 217. The city manager, as head of the department of public utilities, shall have the following powers and duties:

Powers of city manager in relation to water department.

1. To construct, operate, maintain, extend, manage and control all waters, water rights, water bearing lands and water works belonging to the city, including everything required or useful for their maintenance, extension and operation.

2. To supply and distribute any surplus water belonging to or controlled by the city, and not required for use within its limits, to consumers outside of the city, for their own use, and to municipal corporations for municipal uses, or for resale, disposal or distribution, by such municipal corporations, to consumers within their limits, respectively; such surplus water to be supplied and distributed for use outside of the city, under schedule of rates, fixed as hereinafter provided, which shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied, and the value of the service: PROVIDED, HOWEVER, that water shall not be supplied by the city at less rates outside of the city than inside thereof, for the same or similar uses: PROVIDED, FURTHER, that the supplying or distribution of water, for use outside of the city, as aforesaid, shall, in every such case, be subject to the paramount right of the City of Long Beach, at any time to discontinue the same, in whole or in part, and to take and hold, or to distribute, such water for the use of the city and its inhabitants; AND PROVIDED, FURTHER, that contracts for supplying surplus water by the city to municipal corporations may be made by the city manager, in the name of the city, for periods not exceeding five years, and upon such terms and conditions, and for such compensation to the city, as shall be prescribed by said city manager and approved by a vote of five members of the city council; and in every such contract with a municipal corporation, as aforesaid, the right shall be reserved to the city to terminate the same upon two years' written notice to such municipal corporations, to be given by said city manager whenever it shall be determined and declared in writing by said city manager and approved by an ordinance of said city, that the water to be supplied under such contract is required for the City of Long Beach and its inhabitants; PROVIDED, HOWEVER, that any such contract for the sale of surplus water outside of the city as provided in this subdivision of section 217, may be submitted to the electors for approval by an initiative petition, and if approved by a two-thirds vote of the electors voting thereon, such contract shall be executed by the city manager on behalf of the city.

3. To regulate and control the use, sale and distribution of water belonging to the city, the collection of water rates, and the granting of permits for connections with said water works and to fix the rates to be charged for such connec-

tions; and, subject to the approval of the city council, by ordinance, to fix the rates to be charged for water, whether within or without the city limits, and to prescribe the time and manner of payment of the same. Such rates shall be fixed at least every two years; PROVIDED, that, except as hereinafter otherwise prescribed, the rates to be charged by the city for water, supplied by it for use within its limits, shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied and the value of the service.

REVENUE OF THE WATER DEPARTMENT.

Revenue
of water
depart-
ment.

Sec. 218. All moneys received or collected from, or arising out of the use or sale of water, or from any other source in connection with the operation and management of the water works of the city, shall be deposited in the city treasury to the credit of a fund to be known as the Water Revenue Fund, which shall be separate and apart from the other moneys of the city. The city manager shall have the power to order and contract for the expenditure of all moneys in said fund, in accordance with budget provisions, for the purposes hereinafter provided. Money shall be drawn from said fund only upon vouchers signed by the Superintendent of the Water Department and countersigned by the city manager, except that the city council may annually, in its discretion, by ordinance, apportion and set apart out of the money then in said Water Revenue Fund not required for operating and maintenance expenses, an amount sufficient to meet in whole or in part sums coming due for interest upon all outstanding water works bonds in the succeeding twelve months and upon any principal maturing in such time, and the city treasurer shall use the money so apportioned to make such payments and for no other purpose; and if there shall be a surplus remaining, the same shall be transferred to said Water Revenue Fund or may, on written recommendation of the city manager, be transferred by the city council, in whole or in part, to the general fund of the city; PROVIDED, that the total sum of moneys transferred under this authorization shall not exceed the total amount which the city shall have levied in its tax levies for the payment of principal and interest of water works bonds.

(1) None of the money in said Water Revenue Fund, or coming under the control of the city manager in connection with the operation and management of the water works of said city, shall be apportioned or used for any purpose other than the following, to-wit:

(a) For the necessary expense of conducting the business of said department pertaining to water, of operating and management of the water works, and of making the current and ordinary extensions, betterments and repairs; and for the salaries and compensation of the superintendent of the

water department, his engineers, assistants, and other employees working in and for the Long Beach Water Department.

(b) For extraordinary improvements of and betterments to the property, works and system of supply and distribution of the department of public utilities pertaining to water, including the purchase of the necessary lands, water rights and other property.

(c) For the payment, as above provided, of interest or principal, or both, of water works bonds.

ANNUAL REPORT.

Sec. 219. On or before the second Monday in August in each year the city manager shall prepare and submit to the city council a detailed report of the Long Beach Water Department and its financial condition, together with his estimate of expenditures required for the ensuing year, designating his recommendations for current expenses, salaries, extensions, betterments, repairs, etc.; with comparative statement in parallel columns of the appropriations and expenditures for the current and next preceding fiscal year, and the increases or decreases recommended. Copies of this report shall be printed and available for distribution. Annual report.

WATER SYSTEM RECORDS.

Sec. 220. If not already in existence when this charter becomes operative, the city manager shall cause to be made, as soon as practical, a full and complete set of water system records, consisting of maps, plats, notes and other records of the city water pipe system, showing and giving the location and size of all mains, laterals, pipes, hydrants, house-tops, air-valves, blow-offs, and other fixtures and connections. Said set of records shall be amended from time to time to show extensions, additions and alterations, and shall be a faithful and accurate record of all things herein provided for. It shall be a public record and shall forever remain the property of the City of Long Beach. Said maps, plats, notes, and records shall be safely kept in fireproof vaults or safes, or shall be made in duplicate to prevent danger of loss. Water system records.

ENGINEERS, ASSISTANTS AND OTHER EMPLOYEES.

Sec. 221. The city council shall, by ordinance, provide the department of public utilities pertaining to the water department with such engineers, assistants, clerks, stenographers, and all other labor and employees necessary and proper. Employees.

LEASING OF WATER-BEARING LANDS.

Sec. 222. The city manager may, on the approval of the majority of the city council, expressed by ordinance, lease for terms not exceeding three years, for agricultural or other Leasing of water-bearing lands.

purposes, any and all the water-bearing lands owned by the City of Long Beach and in his charge; PROVIDED, that no lands shall be leased for any purpose which shall conflict with the uses for which lands are held by the city.

DUTIES OF SUPERINTENDENT OF WATER DEPARTMENT.

Duties of
superintend-
ent of
water
depart-
ment.

Sec. 223. The superintendent of the water department shall, subject to the control and supervision of the city manager, have charge of the water, water rights, water works and systems of the city, and of the distribution of water belonging to the city; and shall perform such other duties pertaining to the water department as shall be required by the city manager.

SUCCESSION OF TITLE.

Succession
of title.

Sec. 224. For the purpose of conveying title to property, the city manager, as the head of the department of public utilities, is hereby declared to be successor of and to the Commissioner of Public Property heretofore created by the charter of the City of Long Beach and amendments thereof.

ARTICLE XXI.

The Harbor Department.

ORGANIZATION.

Harbor
depart-
ment.

Sec. 225. There is hereby created a department of the government of the City of Long Beach to be known as the "Harbor Department", which shall be under the management and control of three commissioners, to be known as the "Harbor Commission".

HARBOR COMMISSIONERS.

Commis-
sioners.

Sec. 226. The city manager shall appoint, with confirmation of the city council, the members of the harbor commission. They shall serve during the pleasure of the city manager.

OFFICERS AND EMPLOYEES OF THE HARBOR COMMISSION.

Officers
and
employees.

Sec. 227. The harbor commission shall organize by electing one of its members president and one secretary. They shall hold office for one year and until their successors are elected, unless their membership in the harbor commission is sooner terminated. The harbor commission shall have such office, clerical and other help as may be provided by ordinance by the city council.

POWERS AND DUTIES OF THE HARBOR COMMISSION.

Powers and
duties.

Sec. 228. The harbor commission is vested with jurisdiction and authority to exercise, in the name of the City of Long Beach, such powers as are prescribed by general laws of the State of California, now in force and hereafter enacted, to-

gether with such other powers and duties as may be prescribed by ordinance by the city council. It shall be the duty of the harbor commission to cooperate with the Federal Government for the improvement and development of that portion of the Los Angeles-Long Beach Harbor within the jurisdiction of the City of Long Beach.

HARBOR TOLLS AND RENTALS.

Sec. 229. The city council shall, by ordinance, regulate and fix the tolls for wharfage, dockage and other harbor rental charges and provide for the regulation of berths and landing of water craft, and shall exercise such other control not herein specified in furtherance of commerce, navigation and fisheries as may not be inconsistent with the laws of the United States and the State of California. Harbor tolls and rentals.

ARTICLE XXII.

The City Planning Commission.

Sec. 230. A city planning commission is hereby created in and for the City of Long Beach. City planning commission.

ORGANIZATION.

Sec. 231. The city planning commission shall consist of the city manager, the city attorney, the city engineer; and four electors of the City of Long Beach, who shall be appointed by the city manager, with confirmation by the city council, and shall serve without compensation and during the pleasure of the city manager. Organization.

OFFICERS.

Sec. 232. The city manager shall be the chairman of the commission, and shall have the right to vote in the deliberations thereof. The commission shall elect one of its members secretary, who shall serve for one year, or until his successor is elected. The secretary shall keep a proper record of the proceedings of the commission, and shall receive such compensation as shall be prescribed and authorized by ordinance by the city council. Officers.

MEETINGS.

Sec. 233. The city planning commission shall hold its organization meeting in the legislative chamber within ten days after the appointment and qualification of its members and shall thereafter hold at least one regular meeting in each calendar month at such time and place as it shall fix by resolution. Special meetings may be called at any time by the city manager, or by three members of the commission by written notice served upon each member of the commission at least three hours before the time specified for the proposed meeting. Four members of the commission shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Meetings.

POWERS AND DUTIES OF THE CITY PLANNING COMMISSION.

Powers and
duties.

Sec. 234. The city planning commission shall have the power, except as otherwise provided by law:

(a) To recommend plans for the regulation of the future growth, development and beautification of the City of Long Beach in respect to its public and private buildings and works, streets, parks, grounds and vacant lots.

(b) To recommend plans for sanitation, and proper service of all public utilities.

(c) To recommend to public authorities and to any corporation or individuals the proper location of any proposed buildings, structures or works.

(d) To recommend to the city manager the approval or disapproval of maps or plats of subdivisions of land, whether lying within the City of Long Beach or within three miles outside of the corporate limits; and every such map or plat shall prior to its final approval or disapproval by the city manager, be submitted to the city planning commission for its recommendation.

(e) To do and perform any and all other acts and things necessary or proper to carry out the purposes, powers and duties of the city planning commission.

(f) The city planning commission shall, when directed by the city manager, make or cause to be made a map or maps of the City of Long Beach, or any portion thereof, including adjacent territory lying outside the corporate boundaries thereof, showing the highways and the natural and artificial features therein; the locations or relocations proposed for the new public buildings, civic center, highways, parkways, parks, playgrounds and other public grounds of improvements; any proposed widening, extension, closing or relocation of any highway and any change in the plan of the City of Long Beach that may be deemed advisable by the city planning commission; and such map or maps shall be made in conjunction with the department of engineering of the City of Long Beach.

(g) Every ordinance or resolution relating to the location of any public building; the location, extension, widening, enlargement, ornamentation, vacation, alteration, closing or abandonment of any avenue, street, boulevard, court, way, place, alley, parkway, park, playground, bridge, viaduct, tunnel, subway or public grounds; or to housing or building codes or zones shall before adoption by the city council, be submitted to the city planning commission for recommendation and approval, and the same shall not be considered by the city council until it has been approved or acted upon by the city planning commission; and the city council may limit the time within which the city planning commission shall make its recommendations relative thereto.

EXPENSES OF CITY PLANNING COMMISSION.

Expenses.

Sec. 235. The city manager may provide in the budget from year to year a fund for defraying the lawful expenses incurred by the city planning commission: PROVIDED, HOWEVER, that no

expense of any kind shall be incurred by the city planning commission unless first authorized and approved by the city manager.

ARTICLE XXIII.

The Judicial Department.

CONSTITUTION OF THE COURT.

Sec. 236. There is hereby constituted a Police Court in and for the City of Long Beach, which is vested with all judicial powers granted by law to police courts of chartered municipalities, and which shall be presided over by the police judge. ^{Police court.}

THE POLICE JUDGE, HIS ELECTION, AND TERM OF OFFICE.

Sec. 237. The judge of the police court shall be elected by the qualified electors of the City of Long Beach, and shall hold office for three years, and until his successor has been elected and qualified. ^{Police judge.}

QUALIFICATIONS.

Sec. 238. The police judge must be qualified to practice in all the courts of the State of California, and must have been so qualified for at least one year next preceding the day of his election. ^{Qualifications.}

JURISDICTION.

Sec. 239. The police judge shall have jurisdiction of the following offenses committed within the corporate limits of the City of Long Beach: ^{Jurisdiction.}

- (1) Petit larceny.
- (2) Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony.
- (3) Breaches of peace, riots, affrays, committing a wilful injury to property, and all misdemeanors punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months, or both such fine and imprisonment.
- (4) Of all proceedings for the violation of any ordinance of the city, both civil and criminal.
- (5) Of any action for the collection of taxes or assessments levied for any city purpose, when the amount of the tax or assessment sought to be collected of the person assessed is less than three hundred dollars; but no lien upon the property taxed or assessed for the nonpayment of taxes or assessment can be foreclosed in such action.
- (6) Of any action for the collection of any money payable to the city or from the city to any person when the amount sought to be collected, exclusive of the interest and costs, is less than three hundred dollars.
- (7) For the breach of any official bond given by any city officer, or for the breach of any contract and any action for

damages in which the city is a party, and upon all forfeited recognizances given to or for the benefit or in behalf of the city, upon all bonds given upon any appeal taken from the judgment of the court in any of the cases above named, where the amount claimed, exclusive of costs, is less than three hundred dollars.

(8) For the recovery of personal property belonging to the city, when the value of the property, exclusive of damages for the taking or detention, is less than three hundred dollars.

PROCESSES OF THE POLICE COURT.

Processes.

Sec. 240. In the exercise of his jurisdiction the police judge may punish persons guilty of contempt of court, and may issue warrants of arrest, subpoenas, venire, executions and all other processes necessary and proper, and may administer oaths.

PROCEDURE WHEN POLICE JUDGE IS DISQUALIFIED, OR ABSENT.

When judge disqualified, etc.

Sec. 241. In all cases in which the police judge is interested or in which he is related to a party to the action or proceeding, either by consanguinity or affinity within the third degree, or otherwise disqualified; and in the case of his absence, sickness, or inability to act, any justice of the peace of Los Angeles County may, at the written request of the police judge, act in his stead.

POLICE JUDGE TO HAVE CONCURRENT JURISDICTION WITH JUSTICES OF PEACE IN STATE OF CALIFORNIA.

Power of justices of the peace.

Sec. 242. The police court and the police judge shall have all the power, authority and jurisdiction, both civil and criminal, that are now or may hereafter be conferred by law upon justices of the peace in the state of California.

POLICE JUDGE TO KEEP RECORDS, AND REPORT TO CITY AUDITOR.

Records.

Sec. 243. The police judge shall keep a record of the proceedings of the police court in all matters and cases before said court, and shall pay weekly into the city treasury all fines and other moneys received by him belonging to the city. He shall, on or before the fifth day of each and every month, file with the city auditor an exact and detailed account in writing, under oath, of all fines imposed and collected, and of all fines imposed and not collected, and of all moneys collected by him for or on behalf of the city.

CITY TO FURNISH COURT ROOM, AND NECESSARY SUPPLIES.

Court room.

Sec. 244. The city shall furnish suitable quarters for said police court, and the necessary supplies therefor.

ALL FEES COLLECTED TO BE THE PROPERTY OF THE CITY.

Sec. 245. All fees received or collected by the police court ^{Fees.} shall be the property of the City of Long Beach.

RULES OF PRACTICE IN POLICE COURT.

Sec. 246. The rules of practice and modes of procedure in ^{Rules of} the police court shall be the same as are, or may be, pre- ^{practice.} scribed by law for justice courts, in like cases, and appeals may be taken to the superior court of the county from all judgments of said police court in like manner, and with like effect as in appeals from justice courts.

POLICE COURT ALWAYS OPEN.

Sec. 247. The police court shall be always open for the ^{Court} transaction of business, except upon legal holidays and non- ^{always} judicial days, and also on such days for such purposes as are ^{open.} by the law required of other courts of the State of California on said days.

CLERK OF POLICE COURT.

Sec. 248. The police judge may appoint, with the confirma- ^{Clerk.} tion of the city council, a clerk of the police court, for whose acts he and his bondsmen shall be responsible. The clerk of the police court shall serve during the pleasure of the police judge, shall be at all times under the supervision and control of the police judge, and shall have the powers and perform the duties usually performed by clerks in such courts.

ACTIONS CONTINUED.

Sec. 249. All actions and proceedings pending and unde- ^{Actions} termined, in the police court of the City of Long Beach, as ^{continued.} said court existed prior to the taking effect of this charter, may be proceeded with, heard, tried, and determined in the police court here constituted, before said police judge, the same as if such action and proceeding had been originally commenced therein.

ARTICLE XXIV.

Revenue and taxation.

THE FISCAL YEAR.

Sec. 250. The fiscal year of the City of Long Beach shall ^{Fiscal} commence on the first day of July of each year, and shall end ^{year.} on the thirtieth day of June next following.

TAX SYSTEM.

Sec. 251. The city council shall by ordinance provide a ^{Tax} system for the assessment, levy and collection of all city ^{system.} taxes not inconsistent with the provisions of this charter or the general law.

DEPARTMENTS ESTIMATES OF ANNUAL REQUIREMENTS.

Annual estimates by departments, Budget.

Sec. 252. On or before the first Monday in July in each year, or on such date in each year as shall be fixed by the city council, the heads of all departments, offices, boards, and commissions shall submit to the city manager an annual report, in writing, containing a careful estimate of the amounts, specifying in detail the objects thereof, required for the business and conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

CITY MANAGER'S ESTIMATE OF CITY'S ANNUAL REQUIREMENTS AND REVENUE.

Sec. 253. On or before the second Monday in August in each year the city manager shall prepare and submit to the city council a budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments, offices, boards and commissions of the city, according to a classification as nearly uniform as possible. The budget shall present the following information:

(a) An itemized statement of appropriations recommended by the city manager for current expenses and for permanent improvements for each department, office, board and commission for the ensuing fiscal year, with comparative statements in parallel columns of the appropriations and expenditures for the current and next preceding fiscal year, and the increases or decreases recommended.

(b) An itemized statement of the taxes required and of the estimated revenue of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed.

(c) A statement of the financial conditions of the city.

(d) Such other information as may be required by the city council. Copies of such budget shall be printed and be available for distribution.

APPROPRIATION ORDINANCE.

Appropriation ordinance.

Sec. 254. On or before the fourth Monday of August in each year, the city council shall pass an annual appropriation ordinance, which shall be based on the budget submitted by the city manager. The total amount of appropriations shall not exceed the estimated revenues of the city.

SINKING FUND.

Sinking fund.

Sec. 255. The city council shall annually set aside from the income derived by the city from the city water works as a separate sinking fund, a sum which, according to the estimate of the city manager, shall be sufficient to meet the normal depreciation in said public utility. Such fund shall

be used only for the repair and replacement of the plants and equipment of said public utility.

BOARD OF EQUALIZATION.

Sec. 256. The city council shall meet at their usual place of holding meetings, on the first Monday of August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for a period of two weeks. The board of equalization shall have the power to hear complaints, and to correct, modify, strike out, lower, or raise any assessment; PROVIDED, that at least one day's notice shall be given to the party whose assessment is to be raised, and such party shall have the right to be heard before the board under oath. The city clerk shall act as secretary of such board, and it shall be the duty of such secretary to keep permanent records of all proceedings, and to enter therein all resolutions and decisions of the board.

Board of
equalization.

THE ANNUAL TAX LEVY.

Sec. 257. The city council shall, not later than the first Tuesday in September in each year, finally adopt an ordinance, levying upon the assessed value of the property of the city, subject to the provisions of this charter a rate of taxation upon each one hundred dollars (\$100.) of valuation sufficient to raise the amount estimated to be required in the annual budget, less the amount estimated to be received from fines, licenses and other sources of revenue. The city council shall then deliver the assessment roll to the city auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the city auditor as being the assessment roll of said tax.

Annual
tax levy.

TAX LEVY AND LIMITATIONS.

Sec. 258. The city council shall have the power to levy and collect taxes upon all real and personal property within the city for municipal purposes; PROVIDED, that the tax levy for any one year for municipal purposes, other than the Library Fund, the Municipal Band fund, the amount necessary to pay the principal of and interest on the bonded indebtedness of the city, the creation in the fiscal years of 1921-1922, 1922-1923, and 1923-1924 of the Cash Basis fund, as provided in section 261 of this charter, and any other special tax voted by the qualified electors of the city under constitutional provisions, shall not exceed one dollar on each one hundred dollars (\$100.) of the assessed valuation of all real and personal property within the city.

Tax levy
and limita-
tions.

LIBRARY FUND.

Library
fund.

Sec. 259. The city council shall levy and collect annually, on all the taxable property in the City of Long Beach, as in other cases, a special fund sufficient to maintain the Long Beach Public Library and branch libraries. This fund to be used for the purpose of supporting and maintaining the library department, and establishing, supporting and maintaining branch libraries, and purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; PROVIDED, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Long Beach, in accordance with the provisions of this charter and of the general laws of the State of California, for the purpose of defraying the cost of such improvements.

THE MUNICIPAL BAND FUND.

Band
fund.

Sec. 260. The city council shall levy and collect annually, on all taxable property in the City of Long Beach, as in other cases, a special fund sufficient to support, employ and maintain the Municipal Band.

CREATION OF CASH BASIS FUND.

Creation
of cash
basis fund.

Sec. 261. The city council shall in each of the fiscal years of 1921-1922, 1922-1923, and 1923-1924 levy and collect, on all the taxable property in the City of Long Beach, as in other cases, a special fund to be designated the Cash Basis Fund of five cents on each one hundred dollars (\$100.) of the value of all real and personal property of the city, as assessed for city purposes. The cash basis fund shall be created, maintained and used as a revolving fund for the purpose of putting and maintaining the payment of the running expenses of the city on a cash basis, and to meet all legal demands against the city treasury for the first four months, or other necessary period, of each fiscal year; salary and wages to be paid first. The city council shall have the power to transfer from the cash basis fund, after all demands for salary and wages have been paid, such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis; salary and wages to be provided for before any other transfers are made. It shall be the duty of the city council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

CREATION OF VARIOUS FUNDS.

Creation
of various
funds.

Sec. 262. The city council shall, at the time of fixing the tax levy, by ordinance, establish the various funds, as provided for by the department, office, board and commission estimates

allowed by the city council, and also for a general fund. All moneys received by the city shall be apportioned by the city auditor to the various funds so established, and no transfer of any money shall be made from one fund to another, except from and to the cash basis fund. until the end of the fiscal year; at which time, after all demands have been paid out of the various funds, and the fund or funds, if any, received from the cash basis fund have been returned, the city auditor shall transfer any residue remaining from any of said funds to the general fund; and the city council may authorize a transfer from the general fund to any fund in which there is an overdraft created by an actual emergency in the department.

PROCEDURE FOR MUNICIPAL TAXATION.

Sec. 263. Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by the law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes, and the respective officers of the city shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes.

Procedure
for
municipal
taxation.

TAX LIENS.

Sec. 264. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed. Every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; PROVIDED, that when the real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes. The city council shall have the power to pro-

Tax
liens.

vide for the procedure to be followed in such sales to the city and redemption thereafter.

PAYMENT OF CITY TAXES.

Payment
of city
taxes.

Sec. 265. The first installment of all taxes levied under this charter shall be due and payable on the second Monday in October in each year; and the first installment shall become delinquent on the first Monday in December of each year. The second installment of all taxes levied under this charter shall be due and payable on the first Monday in January of each year; and the second installment shall become delinquent on the last Monday in April of each year; except taxes on personal property unsecured by real estate, which shall be due and payable at the time said assessment is made.

DISPOSITION OF MONEY COLLECTED.

Disposition
of money
collected.

Sec. 266. Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the city auditor on or before noon of Wednesday of each week, or at more frequent intervals as may be directed by the city council; and immediately pay said money or moneys into the city treasury, on the order of the city auditor, for the benefit of the funds to which moneys severally belong.

GENERAL FUND.

General
fund.

Sec. 267. The city council shall place annually in the general fund two per cent of the estimated expenses of the city, but no moneys shall be drawn from the general fund except as provided for in section 262 of this article.

ARTICLE XXV.

FRANCHISES.

Franchises.

Sec. 268. Plenary control over all uses of the streets and public places in the City of Long Beach is vested in the city. Franchises may be granted to persons, firms or corporations upon such terms, conditions, restrictions or limitations as may be prescribed by the city council by ordinance, but no franchise shall be granted without reserving to the city adequate compensation for the privilege conferred.

TERMINATION.

Termination.

Sec. 269. All grants, renewals, extensions or amendments thereof shall reserve to the City of Long Beach the right to terminate the same; and to purchase all the property of the utility in, upon, over, across or under any of the streets, highways, alleys or other public places in the city, and elsewhere used in or useful for the operation of the utility, in such a manner as shall be provided in the ordinance making the grant, renewal, extension or amendment, and at a price either fixed in

the ordinance making the grant, renewal, extension or amendment, or to be fixed in the manner provided by the ordinance making the grant, renewal, extension or amendment. Nothing in such ordinance shall prevent the city from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power to purchase reserved in the grant, renewal, extension or amendment as hereinbefore provided. Upon the acquisition by the city of all property of any utility, by purchase, condemnation or otherwise, all grants, renewals, extensions or amendments shall at once terminate.

Sec. 270. No ordinance making such grant, renewal, extension or amendment shall be valid unless it shall expressly provide therein that the price to be paid by the city for the property that may be acquired by it from such utility by purchase, condemnation or otherwise, shall exclude all value of such grant, renewal, extension or amendment.

TERM OF FRANCHISE IN CITY OF LONG BEACH.

Sec. 271. No franchise shall be granted for a longer period ^{Term.} than thirty-five years in, upon, over, across or under any street, highway, alley, or other public place in the city of Long Beach; and no franchise lease shall be granted in, upon, over, under, across or along the beach front of the City of Long Beach south of the north line of Seaside Boulevard and the prolongations thereof, or other water front of the City of Long Beach, except by a majority of the electors of the City of Long Beach voting on such proposition at a general municipal election, or a special municipal election called for said purpose.

RESERVATIONS.

Sec. 272. All grants, renewals, extensions or amendments ^{Reservations.} of public utility franchises, whether so provided in the ordinance or not, shall be subject to the following rights of the city:

(a) To repeal the same by ordinance at any time for misuse or non-use, or for failure to comply with the terms prescribed.

(b) To require proper and adequate extensions of plant and service, and the maintenance of the plant at the highest practicable standard of efficiency.

(c) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates.

(d) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

ALL EXTENSIONS TO BECOME PART OF THE ORIGINAL GRANT.

Sec. 273. All extensions of public utilities within the city ^{Extensions.} shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter, and in any original grant hereafter made. The right to use

and maintain any extension shall terminate with the original grant, and shall be terminable as provided herein. No franchise given in renewal, extensions or amendment of an existing franchise of the applicant shall be for a longer period than the life of the franchise having the longest period yet to run held by the applicant for the same utility or public service; and no new franchise granted such applicant, except a superseding franchise, shall run beyond the end of the term of the longest existing franchise held by the applicant at the time said new franchise is granted.

SUPERSEDING FRANCHISE.

Superseding
franchise.

Sec. 274. The city council may, upon application of the holder of more than one existing franchise pertaining to the same utility or public service, grant a new franchise to such holder, as hereinafter provided, to supersede all of the said existing franchises.

ALL PUBLIC UTILITIES TO FILE CERTIFIED COPIES OF FRANCHISES.

Franchise
record.

Sec. 275. Within six months after this charter takes effect, every public utility and every owner of a public utility franchise shall file with the city, as may be prescribed by ordinance, certified copies of all the franchises owned or claimed, or under which any such utility is operated. The city shall compile and maintain a public record of all public utility franchises and of all public utility fixtures in the streets of the city.

ACCOUNTS OF MUNICIPALLY OWNED OR OPERATED PUBLIC UTILITIES.

Accounts of
municipal
utilities.

Sec. 276. Accounts shall be kept for each public utility owned, or owned and operated, by the city, distinct from other city accounts, and in such manner as to show the true and complete financial result of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual costs to the city of each public utility owned; the cost of all extensions, additions and improvements; all expenses of maintenance; the accounts set aside for sinking fund purposes; and, in the case of city operation, all operating expenses of every description. The accounts shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. The accounts shall show a proper allowance for depreciation, insurance and interest on the investment, and estimates of the amount of taxes that would be chargeable against the property, if privately owned. The city council shall annually cause to be made and printed, for public distribution, a report showing financial results of such city ownership, or ownership and operation, which report shall give the information specified in this section, and such other information as the city council shall deem expedient.

APPLICATION FOR FRANCHISES.

Sec. 277. An applicant for a franchise, permit or privilege (except for interurban, steam or commercial railways) shall file an application with the city council, wherein shall be clearly and distinctly stated the following facts, in so far as the same may be applicable to the particular franchise, permit or privilege sought:

Application
for
franchises.

(a) The name of the applicant. If a corporation, a certified copy of its articles of incorporation and of its by-laws shall accompany the application.

(b) The purpose for which the franchise, permit or privilege is desired, and if for transportation purposes, the kind of road, if any, which it is proposed to construct, and the kind of vehicles, and the motive power to be used.

(c) The precise route to be followed, stating the points between which or at which all streets, highways, alleys, levees or other public places (naming them) are to be traversed, intersected or crossed, and the kind, nature, location and position of all structures which are to be maintained under such franchise, if granted. If the proposed franchise, permit or privilege be for the transmission of gas, electricity, or other substance for light, heat, power or telephone or telegraph service to be furnished the inhabitants of the city or any portion thereof, the application need not state the precise route to be followed or the location and position of all structures, but must describe accurately and clearly the exact portion of the city to be served, unless the whole city is to be served.

(d) The term for which such franchise is desired.

(e) The estimated cost of construction of the works authorized by such franchise.

(f) The sum or sums of money or the percentage of the gross or net receipts which the applicant is willing to pay to the City of Long Beach for the use, operation or possession of such franchise; PROVIDED, that if the franchise sought is for street railway purposes, the application shall show the percentage of the gross receipts, not to be less than two (2) per cent, which the applicant is willing to pay to the city for such franchise.

(g) Whether or not the city shall have the right at any specified time to take over, without compensation to the grantee, the property and plant of the grantee.

(h) Such other and additional information or data as the city council may prescribe.

APPLICATION FOR SUPERSEDING FRANCHISE.

Sec. 278. If the applicant be the holder of more than one existing franchise for the same utility or public service, and desires a new franchise to supersede all of his said existing franchises, the applicant must show:

Application
for
superseding
franchise.

(a) The facts required by subdivisions (a), (f), (g) and (h) of section 277, and in addition thereto, the following:

(b) All existing franchises in the city held by applicant pertaining to the same utility or public service, and the terms,

conditions and agreements thereof. Copies of the ordinances granting such franchises need not be set out at length, but the general substance thereof must be clearly stated, together with accurate references to such franchises by date and number, if numbered.

(c) That the applicant is desirous of surrendering its existing franchises in return for a new franchise superseding them all.

APPLICATION FOR FRANCHISE FOR COMMERCIAL RAILWAYS.

Application
for
franchise
for com-
mercial
railways.

Sec. 279. An applicant for a franchise, permit or privilege involving the use of any portion of any street, highway, alley, levee or other public place (except as hereinafter provided) in the maintenance and operation of any interurban, steam or commercial railway, shall file with the city council an application wherein shall be clearly stated the following:

(a) The facts required by subdivisions (a), (e), (h) of section 277 and in addition thereto the following:

(b) The kind of road which it is proposed to construct and the kind of vehicles and the motive power to be used.

(c) The precise route to be followed, stating the points between which or at which all streets, highways, alleys, levees or other public places (naming them) are to be traversed, intersected or crossed.

(d) The compensation, if any, which the applicant is willing to pay for the franchise.

HEARING AND BIDDING.

Hearing
and
bidding.

Sec. 280. Upon the receipt of an application for any franchise, the city council, if it be disposed to grant the same, must require the applicant to deposit with the city treasurer, either in cash or by certified check payable to the city, a specified sum not less than two hundred fifty dollars (\$250), nor more than two thousand dollars (\$2000) as a guarantee of the good faith of the applicant and as a fund out of which to pay all expenses incurred by the city connected with such application, including the cost of publication in the event that the franchise, permit or privilege is awarded applicant or be not awarded at all. Upon the making of such deposit, the city council shall fix a time (not less than thirty nor more than sixty days from the date of the order fixing the same) and place for a public hearing of the said application, and shall publish for ten consecutive days (Sundays and legal holidays excepted), a notice in the official organ of the city, setting forth the making of such application, the date therein contained, the time and place fixed for a public hearing thereon and, if the application be not a holder of existing franchises seeking a superseding or renewal franchise, or by a person, firm or corporation desiring a franchise for an interurban, steam or commercial railroad, that at the time of the hearing or at any time prior

thereto, any person, having made the necessary deposit, may submit an offer or bid or offers or bids in writing for the said franchise upon terms which he deems of better advantage to the city than the terms of the said application. An affidavit in proper form establishing the fact of such publication must be filed with the city clerk prior to the date set for the hearing. If the application be not for a superseding or renewal franchise, permit or privilege for an interurban, steam or commercial railway, any person may, at the time of the hearing or at any time prior thereto, file with the city clerk a bid or offer in writing for said franchise, upon the same terms set forth in the said application. Each bidder must, before making the bid or offer, deposit with the city treasurer in cash or by a certified check, a sum of money equal to that deposited by the applicant, as aforesaid, as a guarantee of the good faith of the bidder, and as a fund out of which to pay all expenses incurred by the city in connection with the application, including the cost of publication, in the event that the franchise be awarded such bidder. Upon the franchise, permit or privilege being awarded, all deposits by unsuccessful bidders, or by the applicant, if the franchise be awarded to some other person, shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of the deposit, after the payment therefrom of the expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

GRANTING OF FRANCHISE.

Sec. 281. At the appointed time the city council shall proceed to hear and consider such application and all remonstrances and protests, if any, against the granting of such franchise, and all bids and offers submitted, as aforesaid. If, in the judgment of the city council, no sufficient reason appears why the permit or franchise requested should not be granted it may, within sixty days after said hearing, grant to the applicant, or if the application be not for a superseding or renewal franchise, or be not for an interurban, steam or commercial railway, to any bidder, a franchise in conformity with the terms of the application or any bid, or such modification thereof as the city council shall deem to be for the public interest, and upon the terms and conditions of this article applicable thereto, or the city council may deny the franchise; or, if the franchise be one for which bids may be made, may advertise for offers or bids. All grants of franchises shall be made by ordinance, and no such ordinance shall be an emergency ordinance nor go into effect within sixty days from the date of the passage thereof, during which time it shall be subject to the referendum provisions of this charter. Such ordinance must, within ten days after passage by the city

Granting of franchise.

council, be published at least once in the official newspaper of the city.

BOND OF SUCCESSFUL BIDDER.

Bond of
successful
bidder.

Sec. 282. The applicant or person to whom any franchise, permit or privilege is granted under this article shall, within ten days after the passage of the ordinance granting the same, file a bond running to the city, to be approved by the city manager and the city attorney, in the penal sum prescribed by the city council, and set forth in the advertisements for bids condition that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege, and that in the event that a breach is made in such conditions of the franchise, permit or privilege, the whole amount of the penal sum therein named shall be forfeited to the city. In case such bond shall not be filed, the grant of such franchise, permit or privilege shall be set aside and any money deposited in connection with the awarding of such franchise, permit or privilege shall be forfeited and the franchise, permit or privilege may, in the discretion of the city council, be re-advertised as hereinbefore provided. The terms of all franchises superseded by a superseding franchise shall end if and as soon as the ordinance granting the superseding franchise shall go into effect.

BUREAU OF FRANCHISES AND PUBLIC UTILITIES.

Bureau of
franchises
and public
utilities.

Sec. 283. There shall be established by ordinance a bureau of franchises and public utilities, at the head of which shall be the city manager. The city manager may appoint, with confirmation of the city council, such expert and other assistance as is necessary to enable him to perform his duties as hereafter defined.

DUTIES OF THE CHIEF OF BUREAU OF FRANCHISES AND PUBLIC UTILITIES.

Duties.

Sec. 284. It shall be the duty of the bureau of franchises and public utilities to investigate all proposed ordinances relating to public utilities; to exercise a diligent oversight over the operation of all public utilities operated under franchises or any other manner; to represent the city in all, except legal, proceedings before any state utilities commission, now or hereafter created, involving the public utilities within the city; and to perform such other duties as may be required and necessary.

JOINT USE OF FRANCHISE.

Joint
use of
franchise.

Sec. 285. Every franchise hereafter granted to any applicant for an interurban, steam, or commercial railway shall, in express terms, require the grantee thereof to permit any other steam, interurban or commercial railway or railroad now doing business in the City of Long Beach, to make joint use

with the grantee of all tracks that may be laid in, on, under, over or upon any street, highway, alley, levee, bridge or other public place within the city for the purpose of entering, passing through and leaving the city, upon paying or tendering to the grantee a fair proportion of the cost of construction and maintenance of the track or tracks so used.

JOINT USE OF BRIDGES.

Sec. 286. In the event that any franchise is granted authorizing the use of any street, highway, alley, levee or other public place within the city for the purpose of constructing, maintaining and operating any track or tracks leading to any bridge or bridges across the Flood Control Channel, or the Long Beach entrance to the Los Angeles-Long Beach Harbor, or any of the connecting channels in the harbor, the grantee thereof must also agree, as a condition of such grant to permit any and all such other roads to use such bridge or bridges for the transportation of trains, locomotives, cars, and other rolling stock, upon being paid or tendered a fair proportion of the cost of construction and operation of such bridge or bridges, and of the maintenance thereof while so used by such road or roads. Joint
use of
bridges.

SWITCHING.

Sec. 287. Every such franchise shall be granted upon the further condition that any steam, interurban or commercial railroad now doing business within the city or that may hereafter enter the city, shall have the right to have its cars delivered to and returned from any warehouse, switch, terminal, spur, track, wharf, manufacturing establishment, or other place within the city used for loading and unloading cars and reached by any track or tracks of such grantee, without delay, discrimination, or favoritism of any kind, upon payment of a just and reasonable charge therefor, and until, or unless such switching charges are established and fixed by Federal or State authority, the city council shall have the right to fix and prescribe the charges to be exacted for all such service. Switching.

WHARVES.

Sec. 288. No exclusive franchise for the construction of any wharf abutting upon or adjoining any part of any street, highway, alley, levee or other public place within the city, shall ever be granted under any circumstances, but all ordinances making such grants shall expressly provide that the grantee thereof must allow the use of any and all facilities for the loading and unloading of boats and vessels of all descriptions, whenever feasible, by any person or vessel desiring the same, irrespective of ownership, upon payment to the grantee of such compensation as may be fixed by the city council for the use of any and all such facilities. Every ordinance making such grant shall expressly reserve to the city the right to prescribe Wharves.

and change the rates of dockage, wharfage, and all other dues upon all vessels and commodities and to provide for the collection thereof.

LEASES BY FRANCHISE.

Leases by franchise.

Sec. 289. Leases of any waterfronts, wharf property, land under water, wharves, docks, and all public utilities now belonging to the city, or hereafter acquired by the city shall not be made except by franchise subject to the requirements of this charter, nor for a longer period than ten years.

OTHER CONDITIONS OF FRANCHISES.

Other conditions.

Sec. 290. Nothing in this charter shall be construed as prohibiting the city council from inserting in any ordinance granting any franchise, permit or privilege, such other conditions and requirements, not inconsistent with the provisions of this charter, as the city council may desire, or the people may, by the initiative, indicate their desire to have inserted.

PERMITS FOR SWITCHING AND SPUR TRACKS.

Permits for switching and spur tracks.

Sec. 291. The city council shall have the right, after such procedure and upon such terms and conditions as it may deem proper, to grant permits for the construction, maintenance, and operation of commercial or industrial switches, side tracks, or spur tracks, on, upon, along, through, and across any street, alley, highway, levee, or other public place to connect with the tracks of the holder of any franchise for interurban, steam, or commercial railways, and the provisions of sections 271, 274, 277, 278, 279, 280, 281 and 282 in this article shall not apply to such permits. All permits shall be revocable at any time by the city council.

UNIVERSAL TRANSFERS.

Universal transfers.

Sec. 292. No franchise, permit or privilege shall be granted by the city council, for the building, constructing, maintaining, operating or controlling any street railway, automobile bus line, or other transportation service used for the transportation of passengers for hire, and operated by steam, electricity, gasoline or oil, in, under, upon, over or across any street, alley, highway or waterway within the City of Long Beach unless such franchise, permit or privilege, shall require the grantee to issue to its passengers universal transfers to any connecting street railway, automobile bus line, or other transportation service within the City of Long Beach.

ARTICLE XXVI.

Contracts.

Contracts.

Sec. 293. The City of Long Beach shall not be, and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the city council

and signed by the city manager, or by some other person in behalf of the city, authorized so to do by the city manager; PROVIDED, that the approval of the form of the contract by the city attorney shall be endorsed thereon before the same shall be signed on behalf of the city; but the city council, by ordinance duly adopted, may authorize the city manager or any commission, board or agent of the city with the written approval of the city manager, to bind the city without a contract in writing for the payment of supplies, labor or other valuable consideration furnished to the City of Long Beach, in an amount not exceeding eight hundred dollars.

BIDS FOR CONTRACTS TO BE CALLED.

Sec. 294. All contracts, except as otherwise provided in this charter, or by general law, for the city or any of the department or public institutions thereof, must be made by the city manager with the lowest responsible bidder, whose bid is in regular form, not less than five days nor more than twenty days after one publication of a notice calling for bids in the official newspaper of the city; said notice shall contain a brief description of the supplies or materials required, and amount of the bonds required of the successful bidder, and state the hour and day on which said bids will be opened; EXCEPT, that the city council may, by a resolution adopted by the affirmative vote of five members of the city council, authorize the city manager to enter into a contract on behalf of the city, in writing or otherwise, without advertising for bids for labor, material or supplies for actual emergency work.

Bids for contracts to be called.

SEALED BIDS ACCOMPANIED WITH CERTIFIED CHECK REQUIRED.

Sec. 295. All bids must be sealed bids, accompanied by a certified check or bank draft, payable to the city auditor, and drawn on a solvent bank of Los Angeles county, or a satisfactory bond for an amount equal to ten per centum of the bid.

Sealed bids.

OPENING OF BIDS.

Sec. 296. On the day and at the hour named in the notice calling for bids, the city manager shall publicly open and declare all bids received, and at that time, or at such time as the city manager may determine, shall accept the lowest regular responsible bid, or reject all bids and return all deposits accompanying said bids; and may, at his option, abandon all proceedings, or readvertise for bids in a like manner.

Opening of bids.

BONDS FOR FAITHFUL PERFORMANCE OF CONTRACT REQUIRED.

Sec. 297. The city manager shall require bonds with sufficient sureties for the faithful performance of every contract entered into by him on behalf of the city, and such other bonds as may be required by law. All such bonds shall have the approval of the city attorney endorsed thereon before the contract is signed by the city manager or other person author-

Bonds for faithful performance.

ized so to do; and when such contract is so signed, the ten per centum accompanying the bid shall be returned to the bidder. If the bidder to whom the contract is awarded shall, for ten days after such award, fail or neglect to enter into the contract and file the required bond, the city auditor shall draw the money due on the certified check or bank draft accompanying the bid, or declare the bond accompanying the bid forfeited and collect the money due thereon, and pay the same into the city treasury; and under no circumstances shall the check or the proceeds thereon be returned to the defaulting bidder.

FAILURE TO COMPLY—NEW BIDS—OR NEXT LOWEST BIDDER.

New bids.

Sec. 298. When a contractor fails to enter into a contract awarded to him or to perform the same, new bids may be invited and a new contract awarded as provided herein, in the first instance; or the city council may let such contract to the next lowest responsible bidder.

BIDS FOR OFFICIAL ADVERTISING.

Bids for official advertising.

Sec. 299. All contracts for official advertising shall be let annually, and go into effect at the beginning of each fiscal year, in a like manner, to the lowest responsible bidder publishing or circulating a daily newspaper of general circulation in the City of Long Beach; PROVIDED, that the said newspaper shall have been in existence at the time of the award of said contract for one year, and shall have been a daily newspaper for at least three months.

CERTAIN CONTRACTS NOT TO BE LET FOR LONGER PERIOD THAN TWO YEARS.

Time limit.

Sec. 300. No contract for power, gas, electric light, removing garbage, sweeping, sprinkling or lighting streets, public buildings, places or offices shall be made for a longer period than two years; nor shall any contracts to pay for power, gas, electric lights, printing or advertising or telephone service be let at a higher rate than the minimum price charged to any other consumer or advertiser for like service.

CONTRACTS IN EXCESS OF BUDGET VOID.

Void contracts.

Sec. 301. The City of Long Beach shall not be bound by or liable for any contract entered into by any officer of the city in behalf of the city for an amount greater than is provided by the budget for such purpose.

AUDITOR PROHIBITED FROM ISSUING WARRANT FOR VOID CONTRACT.

Sec. 302. The city auditor shall not issue a warrant to pay any demand upon the City of Long Beach for the payment of any contract in violation of this section.

COLLUSION—VOID CONTRACTS.

Sec. 303. If at any time it shall be found that any person, ^{Collusion.} firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other person, firm or corporation, then the contract awarded shall, if the city so elect, be null and void, and the contractor and his bondsmen shall be liable to the city for all loss and damage which the city may suffer thereby; and the city manager may advertise for a new contract for such labor, material or supplies.

ARTICLE XXVII.

Direct Legislation.

POWERS RESERVED TO THE PEOPLE.

Sec. 304. The people reserve to themselves the power to ^{Direct} adopt or reject ordinances at the polls, independent of the ^{legislation.} city council; and also the power of recall independent of the city council or the city manager.

INITIATIVE AND REFERENDUM.

Sec. 305. The citizens of the City of Long Beach may propose and submit to the city council ordinances in the following manner: By petition signed by electors, equal in number to twenty-five per cent of the entire vote cast at the last preceding general municipal election. The petition shall set forth the proposed ordinance or ordinances and contain a request that the same be enacted into law by the city council. The signatures to such petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number and the date of signing. One of the signers of each paper shall make oath before some officer authorized to administer oaths, that each signature to the paper appended was made in his presence and that to the best of his knowledge and belief it is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing of such petition the city clerk shall examine the same, and from the list of qualified voters of the City of Long Beach, ascertain whether or not said petition is signed by the requisite number of qualified voters, and he shall attach to said petition his certificate showing the result of such examination, stating the number of qualified voters found upon said petition and the number of persons not qualified to vote, and in checking said petition the city clerk shall designate the names of persons found thereon not qualified to vote, with the letters "D.V." in red ink opposite such name or names. If by the city clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of the return of said certificate to the petitioners. The city clerk shall within ten days after such amendment is filed with him, make a like examination and check off the names thereon, and if his certificate

shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition is shown to be sufficient by the certificate of the city clerk, he shall submit the same to the city council without delay, and the city council shall either:

(a) Pass the ordinance set out in said petition without alteration within ten days after the date of the city clerk's certificate of sufficiency thereon; or

(b) Submit the same to a vote of the qualified electors of the city at a special municipal election to be called for that purpose within forty days from the date of said certificate, unless a general municipal election is to be held within ninety days thereafter, and then at such general municipal election, such ordinance shall be submitted without alteration of any kind. The ballot used in voting upon such proposed ordinance shall set forth the title thereon in full and state its general nature, and shall contain the words: "For the Ordinance" and "Against the Ordinance." If a majority of the qualified votes cast is in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance so enacted shall not be repealed or amended, except upon a vote of the people. Any number of ordinances may be voted upon at the same election in accordance with the provisions of this article. The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto to be voted upon at any general municipal election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly.

ORDINANCE SUBMITTED TO VOTE—PUBLICATION OF.

Ordinance
submitted
to vote.

Sec. 306. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be published three successive days in the official newspaper of the city; said publication to be not more than twenty nor less than ten days before the submission of such ordinance or proposition to the vote of the people.

ORDINANCES—WHEN EFFECTIVE—EXCEPTIONS—GRANT OF FRANCHISE—PETITION—REFERENDUM ELECTION—PROCEDURE—SUSPENSION OF ORDINANCE.

Ordinances.

Sec. 307. No ordinance passed by the city council shall go into effect before the expiration of thirty days from the time of its final passage, except when otherwise required by the general laws of the State of California, or by the provisions of this charter, and except an ordinance for the immediate preservation of the public peace, health and safety, which contains a statement of its urgency and is passed by the vote

of five members of the city council, as the same is more fully described in section 45 of this charter; and no grant of any franchise shall be held or construed to be an emergency measure, and all franchises and ordinances granting the same shall be subject to the referendum vote hereinafter provided; and if, during said thirty days, a petition, signed by qualified electors equal in number to twenty-five per cent of the entire vote cast at the last preceding general municipal election, protesting against the passage of such an ordinance shall be presented to the city council the same shall thereupon be suspended from going into effect, and it shall be the duty of the city council to reconsider such ordinance, and if the same is not entirely repealed the city council shall submit the ordinance or ordinances to a vote of the people, as provided in this article, either at the next general municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not then go into effect or become operative unless a majority of the qualified voters voting upon said ordinance or ordinances shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of this article of the charter, except it shall not be subject to amendment, and shall be examined and certified by the city clerk as therein provided. If an ordinance is passed by the city council within ninety days next before a general municipal election, then a petition signed by fifteen per cent of the qualified electors voting at the last preceding general municipal election, or more, shall be sufficient to suspend the going into effect of said ordinance, and it shall either be repealed by the city council or submitted to the vote of the people at such next general municipal election.

THE RECALL.

Sec. 308. The holder of any elective office, or the city ^{Recall.} manager, in the City of Long Beach, may be recalled by the qualified electors of the City of Long Beach at any time after he has held office for six months. Not less than ten nor more than twenty-five qualified electors of the City of Long Beach may originate a petition of recall in the following manner: The said qualified electors shall file with the city clerk a petition containing a general statement of the ground or grounds for which the recall of the official is sought. This petition shall be signed by each of the petitioners originating the recall, each signer adding to his signature his place of residence, giving street and number, and the date of signing. The city clerk shall file the petition, and shall cause the said petition with the signatures attached thereto to be published for three successive days in the official newspaper of the city, with notice therein that said petition is in the city clerk's office open for signatures. The city clerk shall, during office hours for thirty days from the last day of publication aforesaid, keep the petition open for signatures by the quali-

Recall

fied electors of the city, each signer to add to his signature his place of residence, giving street and number, and date of signature. No petition other than the originating petition shall be signed or presented for signature at any place other than the city clerk's office, and must be verified by the city clerk or one of his deputies. At the expiration of said thirty days, the city clerk shall declare the petition closed for the purpose of examination, and within five days thereafter shall ascertain whether said petition is signed by qualified electors of the City of Long Beach equal to not less than ten per cent of the entire votes cast at the last general municipal election; and the city clerk shall attach to the petition his certificate showing the result of such examination, stating the number of qualified voters found upon said petition, and the number of persons not qualified to vote, and in checking said petition the city clerk shall designate the names of persons found thereon not qualified to vote, with the letters "D. V." in red ink opposite such name or names. If the petition is shown, by the city clerk's certificate, to be insufficient, the city clerk shall at once notify the signers who originated the petition of recall of the deficiency, and five additional days, exclusive of the day of mailing, shall be allowed for the final completion of the recall petition. Notice herein required shall consist of depositing in the postoffice at Long Beach a letter, postage prepaid and registered, containing such notice, addressed to each signer originating the petition of recall at his address named in the originating petition. The city clerk shall within three days after the expiration of the additional five days allowed within which to complete the recall petition, make a like examination and check the names as hereinbefore provided, and if the city clerk's certificate shall show the recall petition to be still insufficient, no further action shall be taken. The failure to secure sufficient names shall not prejudice the filing of an entirely new petition to the same effect by the same or other originating petitioners. If the petition shall be found to be sufficient, the city clerk shall submit the petition of recall, together with his certificate, to the city council without delay, whereupon the city council shall forthwith cause a special municipal election to be held not less than thirty nor more than forty days after the date of the order calling such election, to determine whether the voters shall recall such officer. If the same ground or grounds are alleged, one petition shall be sufficient to propose the recall of one or more officials. Upon the same ballot there shall be printed, in not more than two hundred words, the ground or grounds set forth in the recall petition for demanding the recall of the officer or officers; and upon the same ballot in not more than two hundred words, the officer or officers may justify himself or themselves. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office

(title of office)?" following which question shall the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall, by stamping a cross (X) indicate his vote for or against such recall. If a majority of those voting on said question of the recall of any officer shall vote "No", said officer shall continue in office, If a majority of those voting on said question of the recall of any officer shall vote "Yes", said officer shall thereupon be deemed removed from such office, and the city council shall declare said office vacant, and shall immediately fill such vacancy by appointment, such appointee to hold office until the next general municipal election. An officer thus removed shall not be eligible to succeed himself.

ARTICLE XXVIII.

ALCOHOLIC LIQUORS.

Sec. 309. Every person who, as owner, principal, agent, ^{Alcoholic} employee or otherwise, opens, establishes, keeps, maintains or carries on a place where alcoholic liquor or other intoxicating drinks are sold, kept for sale, offered for sale, distributed, divided, delivered or given away, in the City of Long Beach is guilty of a misdemeanor.

Sec. 310. Every person, who, as owner, principal, agent, employee or otherwise, sells, keeps for sale, offers for sale, distributes, divides or gives away alcoholic or other intoxicating drinks in the City of Long Beach is guilty of a misdemeanor.

Sec. 311. Every person who, directly or indirectly, alone or associated or combined with others, as principal, agent, employee or otherwise, opens, establishes, keeps, maintains or carries on, or who, in any manner aids, abets or assists in opening, establishing, keeping, maintaining or carrying on, any club or clubroom, or any place used in connection with any such club or clubroom, where alcoholic liquor or other intoxicating drinks are received or kept for use, gift, sale or barter, or for distribution or division, among the members, guests or visitors of any such club or clubroom, or among any other persons, in the City of Long Beach, is guilty of a misdemeanor.

Sec. 312. Every person who, as owner, principal, agent, employee or otherwise, has in his or her possession any alcoholic liquor or intoxicating drinks, with intent to use the same in violation of any of the provisions of this article, in the City of Long Beach, is guilty of a misdemeanor; and all such alcoholic liquor or other intoxicating drinks and the bottles, barrels and other vessels containing the same, are hereby declared nuisances, and in abatement thereof the police shall seize all such liquor, bottles, barrels and other vessels, and, upon conviction of such person for unlawfully having the same in his possession, destroy such liquor, bottles, barrels or other vessels.

Sec. 313. Every person who, as owner, principal, agent, employee or otherwise, lets or leases any building, room, tenement or place to be used in violation of any of the provisions

Alcoholic
liquors.

of this article, in the City of Long Beach, or who, being the owner thereof, or having the control thereof, permits any building, room, tenement, or place to be used in violation of any of the provisions of this article, in the City of Long Beach, is guilty of a misdemeanor, and upon the second conviction thereof, the building shall be locked for one year, unless he shall furnish sufficient bond to insure its not being used for that purpose again.

Sec. 314. Every person who, as owner, principal, agent, employec or otherwise, serves alcoholic liquor or other intoxicating drinks in any public dining room, of any hotel, apartment house, rooming-house, lodging-house, cafe, restaurant or cafeteria, in the City of Long Beach, is guilty of a misdemeanor.

Sec. 315. Every person who drinks alcoholic liquor or any other intoxicating drinks in any public dining room, cafe, restaurant or cafeteria or in any public building, yard, park, street, alley, court, lane or place, in the City of Long Beach, is guilty of a misdemeanor.

Sec. 316. Every pharmacist, registered under the laws of the State of California, and having or being connected with an established drug business in the City of Long Beach, may sell alcohol for mechanical or scientific uses; PROVIDED, HOWEVER, that every pharmacist who sells, gives away or delivers alcohol for such uses, without making or causing to be made, in a well bound book kept exclusively for that purpose, an entry showing the amount of such sale, gift or deliver, the name and address of the person obtaining the same, the statement of such person of the use of such sale, gift or delivery, the name and address of the person obtaining same, the statement of such person of the use for which such alcohol is required, the quantity thereof dispensed, the name of the dispenser and the signature of the person obtaining the same affixed to such entry, or who fails to keep said entry book always, during business hours, open to inspection by the police and by any person delegated thereto by the legislative body, or who fails to preserve every such entry, for at least five years after the making of the same, in the City of Long Beach, is guilty of a misdemeanor.

Sec. 317. Every person who, as principal, agent, employec or otherwise, solicits or takes orders for the sale or deliver of alcoholic liquors or other intoxicating drinks in the City of Long Beach is guilty of a misdemeanor.

Sec. 318. Every act in violation of any of the provisions of this article, shall, separately and for each day of its continuance, be deemed a separate offense; and every clerk, servant, agent or other person, committing any act in violation of any of the provisions of this article shall, separately and for each day of its continuance, be deemed a separate offense; and every clerk, servant, agent or other person, committing any act in violation of any of the provisions of this article, shall be deemed guilty as principal.

Sec. 319. Every person who, in any manner, encourages, aids, abets or assists in the violation of any of the provisions of this article in the City of Long Beach, is guilty of a misdemeanor.

Section 320. It shall be the duty of the police department to place all persons suspected of violating any of the provisions of this article under police surveillance, and to use all legal means in detecting and convicting persons violating any of the provisions of this article, including the exercise of the right of search given by the laws of the State of California: and chapter III of Part II of Title XII of the Penal Code of the State of California, as far as the same may be applicable, is hereby made to apply and be in force in the City of Long Beach.

Sec. 321. The provisions of this article shall not be deemed to apply to, and shall not prevent or make unlawful, the keeping, furnishing or giving away of alcoholic liquor or other intoxicating drinks in a private residence in a reasonable amount as a means of entertainment or act of hospitality and without compensation; and a room, or suite of rooms, in a hotel, apartment house, rooming house or lodging-house occupied by any person as a regular place of residence, shall, for the purpose of this article be deemed to be a private residence of such person.

Sec. 322. Every person who violates any of the provisions of this article is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the city jail of the City of Long Beach for not more than six months, or by both such fine and imprisonment.

Sec. 323. The City Council of the City of Long Beach may, by ordinance, provide additional penalties, not inconsistent with law, for the violation of the provisions of this article, provided such further means of enforcement as will make this article effective and provide further regulations and restrictions relating to alcoholic liquor and other intoxicating drinks not inconsistent with this article.

ARTICLE XXIX.

INDUSTRIAL DISTRICTS.

(For which ever alternative proposition that may be adopted by the qualified electors of the City of Long Beach.)

Industrial districts.

ARTICLE XXX.

MISCELLANEOUS.

Sec. 329. All general laws of the State of California applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter, shall be applicable to the City of Long Beach.

Miscellaneous.

Miscel-
laneous.

Sec. 330. Whenever in this charter the word "city" occurs, it means the City of Long Beach; and every department, board, commission or officer, whenever either is mentioned, means a department, board, commission or officer, as the case may be, of the City of Long Beach.

Sec. 331. The mayor, city auditor, and the city manager shall together count the money in the city treasury at least once in three months, and see if the amount on hand tallies with the amount that should be in said city treasury by the books of the city; and they shall make a written report thereof to the city council within five days thereafter.

Sec. 332. All ordinances and resolutions in force at the time this charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

Sec. 333. All officers and employces, when this charter takes effect, shall continue to hold office and exercise their respective offices or employment, under the terms of this charter, until the election or appointment and qualification of their successors.

Sec. 334. All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter; nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city be affected by the adoption of this charter, unless otherwise herein expressly provided. All contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Sec. 335. If any section or part of a section of this charter proves to be invalid or unconstitutional, it shall not be held to invalidate or impair the validity or constitutionality of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

Sec. 336. No officer, board, or member of any board, of this city shall recommend the appointment of, appoint, vote for or elect, to any office, position or employment, in any department of the city government, any person related by consanguinity or connected by marriage with such officer or such member, or with any member of such board. A breach of this section shall be cause for removal of any such officer, board, or member of such board.

Sec. 337. Nothing in this charter shall be construed as prohibiting the election or appointment of women to any office, or member of any board or commission; and the words used in this charter in the masculine gender shall include the feminine.

Sec. 338. All claims for damages against the City of Long Beach must be presented to the city council, and filed with the city clerk within six months after the occurrence for which the damages arose.

PROVISION MADE FOR FIRST ELECTION.

Sec. 339. The Legislative Body of the City of Long Beach in office when this charter is ratified by the Legislature of the State of California shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result, and shall take all other action that may be necessary for the initial installation of the new government provided for under this charter. ^{First election.}

WHEN CHARTER TAKES EFFECT.

Sec. 340. For the purpose of holding the first general municipal election, nominating and electing officers, canvassing the vote, and declaring the result of such election, and in all matters incidental thereto or necessary therefor, this charter shall take effect and become operative upon its approval by the Legislature of the State of California; and for all other purposes this charter shall take effect at twelve o'clock noon on the first Monday of July thereafter; PROVIDED, HOWEVER, that if this charter has not been approved by the Legislature during the Forty-fourth regular session of the California Legislature, the provisions of this section shall not be construed to prevent the holding, in accordance with the existing charter of the City of Long Beach, of the general municipal election provided for in that charter to be held on the second Tuesday in May, 1921, nor shall the holding of said election in that event be construed to prevent the taking effect of this charter as hereinbefore provided when this charter shall have been approved by the Legislature of the State of California. ^{When charter takes effect.}

CERTIFICATE.

Whereas, the City of Long Beach for years last past has been and now is a city containing more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under authority of the Congress of the United States; and ^{Certificate.}

Whereas, on the 2nd day of September, 1920, at a special municipal election duly held on that day in said city, under and in accordance with the provisions of section 8 of Article

XI of the Constitution of the State of California, the electors of said city did duly choose and elect

MRS. MARY M. HUMISTON
 H. B. CLIFTON
 GLENN THOMAS
 W. B. McQUEEN
 CLYDE DOYLE
 CHARLES H. TUCKER
 DR. ROBERT B. SWEET
 W. JAY BURGIN
 MRS. W. E. KING
 BISMARCK HOUSSELS
 E. E. NORTON
 N. C. NIELSEN
 H. H. McCUTCHEAN
 REV. HENRY KENDALL BOOTH and
 DR. F. L. ROGERS,

who were all electors of said city and eligible as candidates under said section, a board of fifteen freeholders to prepare a charter for the government of said city; and

Whereas, the result of said election of freeholders was duly declared by the legislative body of the City of Long Beach on the 7th day of September, 1920, and the said electors thereafter duly qualified as such freeholders in accordance with law;

BE IT KNOWN, that in pursuance of the provisions of said Constitution and within the period of one hundred twenty days, and within an additional sixty days duly granted by the Legislative Body of the City of Long Beach on the 31st day of December, 1920, after the result of said election was so declared, the Board of Freeholders has prepared and does now propose the foregoing as and for the charter of the City of Long Beach;

Alternative
 proposi-
 tions.

In addition to the foregoing charter, the Board of Freeholders, pursuant to said provisions of the Constitution, also present, with said charter, for the choice of the voters, and to be voted upon separately, without prejudice to the other provisions and sections of said charter, two alternative propositions, herein stated and designated as "Alternative Proposition No. 1" and "Alternative Proposition No. 2", one only of which shall become a part of such charter:

ALTERNATIVE PROPOSITION NO. 1.

ARTICLE XXIX.

Industrial Districts.

Alternative
 proposition
 No. 1.

Sec. 324. There are hereby established two industrial districts in the City of Long Beach as follows:

DISTRICT NO. 1, ZONE "A":—This district shall be open to all industries, the nature of whose manufacture or business

prevents their location in other portions of the city and is described as follows: Alternative
proposition
No. 1.

All that portion of the City of Long Beach hereinbefore described in Article II of this charter, more particularly described as follows: Beginning at the intersection of the northerly boundary line of the City of Long Beach with the westerly line of the Silt Diversion Channel, as said westerly line is shown on Section 2 of the Property Location Map No. 29, filed in the office of the Los Angeles County Flood Control Engineer; thence southerly along said westerly line of the Silt Diversion Channel to the northerly line of Santa Cruz Street; thence westerly along said northerly line of Santa Cruz Street to the easterly line of Mitchell Avenue; thence northwesterly in a direct line to the most southerly corner of Lot 4, Block 4, "Plat No. 2 Seaside Park" as per map recorded in Book 4, page 6 of Maps, Records of the County of Los Angeles, State of California; thence northwesterly along the southwesterly lines of Lots 4, 3 and 34 in said Block 4, to the easterly line of Mariposa Avenue; thence northerly along said easterly line of Mariposa Avenue to the southerly line of Ocean Boulevard; thence westerly along said southerly line of Ocean Boulevard to the center line of Mendocino Avenue; thence southerly along said center line of Mendocino Avenue to the center line of Sonoma Avenue; thence westerly along said center line of Sonoma Avenue to the prolongation northerly of the center line of Alpine Avenue; thence southerly along said prolongation northerly, said center line of Alpine Avenue and the prolongation thereof to the southerly boundary line of the City of Long Beach; thence westerly along said southerly boundary line to the westerly boundary line of said city; thence northerly, northeasterly, northwesterly, northeasterly, northwesterly, northeasterly and easterly along the various courses of the boundary line of the City of Long Beach to the point of beginning.

DISTRICT No. 1, ZONE "B":—This zone of the first district shall be known as the "semi-industrial" district, in which may be located warehouses, laundries, and wholesale houses, and is described as follows:

All that portion of the City of Long Beach as hereinbefore described in Article II of this charter, more particularly described as follows: Beginning at the intersection of the easterly line of the Silt Diversion Channel, as said easterly line is shown on Section 1 of Property Location Map No. 29, filed in the office of the Los Angeles County Flood Control Engineer with the northerly line of Fifth Street and running thence easterly along said northerly line of Fifth Street to the westerly line of Shanock Avenue; thence northerly along said westerly line of Shanock Avenue to the northerly line of Seventh Street; thence easterly along said northerly line of Seventh Street to the northeasterly line of Fairbanks Avenue; thence northwesterly along said northeasterly line of Fair-

Alternative
proposition
No. 1.

banks Avenue to the northerly line of Lot 9, Block 2, "Knoll Park Addition" as per map recorded in Book 6, page 142 of Maps, Records of the County of Los Angeles, State of California; thence westerly along the prolongation of said northerly line of Lot 9, to the easterly line of the private right-of-way of the Pacific Electric Railway Company; thence northerly and northeasterly along the easterly and southeasterly lines of said private right-of-way to the southerly line of Anaheim Street; thence westerly along said southerly line of Anaheim Street to the aforementioned easterly line of the Silt Diversion Channel; and thence southerly along said easterly line of the Silt Diversion Channel to the point of beginning.

DISTRICT No. 1, ZONE "C":—This zone of the first district shall be restricted to the location of industries, the nature of whose operations does not constitute a menace from the standpoint of odor or smoke, and is described as follows:

All that portion of the City of Long Beach as hereinbefore described in Article II of this charter, more particularly described as follows: Beginning at the intersection of the easterly line of the Silt Diversion Channel, as said easterly line is shown on Section 2 of Property Location Map No. 29 filed in the office of the Los Angeles County Flood Control Engineer, with the northerly line of Anaheim Street and running thence easterly along said northerly line of Anaheim Street to the easterly line of Daisy Avenue; thence northerly along said easterly line of Daisy Avenue to the northerly line of Fifteenth Street; thence easterly along said northerly line of Fifteenth Street and the prolongation thereof to the easterly line of Magnolia Avenue; thence northerly along said easterly line of Magnolia Avenue to the northerly line of Fifteenth Street; thence easterly along said northerly line of Fifteenth Street to the center line of the first alley east of Henderson Avenue extending northerly from Fifteenth Street; thence northerly along said center line and the prolongation thereof to the northerly boundary line of the City of Long Beach; thence westerly, southerly and westerly along said northerly boundary line to the aforementioned easterly line of the Silt Diversion Channel; and thence southerly along said easterly line of the Silt Diversion Channel to the point of beginning.

DISTRICT No. 1, ZONE "D":—This zone of the first district is created for use as a landing and starting field for any or all aviation purposes, and within the boundaries of which it shall be legal to construct airplane, balloon and dirigible hangars, to repair or build air-craft with the exception that no metal parts or engines shall be cast within said zone, and is described as follows:

All that portion of the City of Long Beach as hereinbefore described in Article II of this charter, more particularly described as follows: Beginning at the intersection of the easterly line of Eucalyptus Avenue with the northerly line of Burnett Street and running thence easterly along said northerly line of Burnett Street and the prolongation thereof to

the westerly line of Pine Avenue; thence northerly along said westerly line of Pine Avenue to the northerly line of Vernon Street; thence easterly along said northerly line of Vernon Street to the westerly line of American Avenue; thence northerly along said westerly line of American Avenue, and the prolongation thereof to the northerly line of Willow Street; thence westerly along said northerly line of Willow Street to the easterly line of Eucalyptus Avenue; and thence southerly along said easterly line of Eucalyptus Avenue to the point of beginning.

Alternative
proposition
No. 1.

DISTRICT No. 2:—This industrial district, known as the East Long Beach Industrial district, is described as follows:

All that portion of the City of Long Beach as hereinbefore described in Article II of this charter, more particularly described as follows: Beginning at the intersection of a line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street with the easterly line of Temple Avenue and running thence northerly along said easterly line of Temple Avenue to a line six hundred twenty feet north of and parallel to the northerly line of Anaheim Street; thence easterly along said line six hundred twenty feet north of and parallel to the northerly line of Anaheim Street to the easterly line of Loma Avenue; thence southerly along said easterly line of Loma Avenue to the southerly line of Anaheim Street; thence easterly along said southerly line of Anaheim Street to the westerly line of Ximeno Avenue; thence southerly along said westerly line of Ximeno Avenue to the aforementioned line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street; and thence westerly along said line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street to the point of beginning.

Sec. 325. The boundaries of the aforementioned industrial districts and zones may be increased, or further industrial districts created or established by a majority vote of the electors of the City of Long Beach voting thereon at any general or special municipal election.

Sec. 326. The industrial districts and zones aforementioned are hereby defined to be that portion of the City of Long Beach within which such buildings may be erected and such avocations and industries may be maintained as are prohibited in the remaining portions of the City of Long Beach, with the exception of such restrictions as are applied to Zone "C" and "D" of Industrial District No. 1, and Industrial District No. 2, and certain exceptions as set forth in section 327 of this charter.

Sec. 327. That it is hereby declared to be unlawful and a nuisance to erect, construct, repair or maintain any building or structure, or to maintain any yard, or place for the purpose of conducting, carrying on, or maintaining any of the following avocations, industries or lines of business in the City of Long Beach, except within said industrial districts, to-wit: The manufacture of gas and electricity, the maintaining of a

stone crusher, rolling mill, planing mill, lumber yard, coal or wood yard, feed yard, carpet beating establishment, fire works, factory, warehouse, laundry, smelter, shipyard, foundry, grist mill, flour mill, glass factory, woolen mill, powder mill, turntable or freight yard, car barn or the manufacture of any kind of goods, wares or merchandise not hereinbefore mentioned wherein machinery is used, to propel which requires the use of steam, gas, gasoline, distillate or electric energy, where larger than five horsepower motors are used, or any other motive or animal power or in the manufacture of which large volumes of smoke, excessive noise and obnoxious odors are produced, PROVIDED this section shall not apply to the maintenance of garages, the manufacture of ladies' hats, men's and women's clothing (where not more than ten sewing machines are used), fancy table and floor lamps, reed work, basketry, cigars, jewelry, rose beads, rag dolls, canvas bathing shoes, or any other similar line of small production carried on on a small scale, or to the maintenance of any lines of business or industry which are in existence and being conducted in the City of Long Beach outside of said industrial district at the time of the taking effect of this charter, EXCEPT that no additions, or extensions, or any improvements other than mere repairs of existing parts shall be permitted upon any of the buildings, structures or places where such restricted lines of business are now being conducted or upon any of the machinery or equipment therein.

Sec. 328. That any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars (\$500), or by imprisonment in the city jail for a period of not exceeding six months, or by both such fine and imprisonment, each such person, firm or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person, firm or corporation and shall be punishable therefor as provided in this section.

ALTERNATIVE PROPOSITION No. 2.

ARTICLE XXIX.

Industrial Districts.

Sec. 324 There are hereby established two industrial districts in the City of Long Beach, as follows:

DISTRICT No. 1, ZONE "A":—This district shall be opened to all industries, the nature of whose manufacture or business prevents their location in other portions of the city and is described as follows:

All that portion of the City of Long Beach as hereinbefore described in Article II of this charter, more particularly described as follows: Beginning at the intersection of the

northerly boundary line of the City of Long Beach with the westerly line of the Silt Diversion Channel, as said westerly line is shown on Section 2 of Property Location Map No. 29, filed in the office of the Los Angeles County Flood Control Engineer; thence southerly along said westerly line of the Silt Diversion Channel to the northerly line of Santa Cruz Street; thence westerly along said northerly line of Santa Cruz Street to the easterly line of Mitchell Avenue; thence northwesterly in a direct line to the most southerly corner of Lot 4, Block 4, "Plat No. 2, Seaside Park" as per map recorded in Book 4, page 6 of Maps, Records of the County of Los Angeles, State of California; thence northwesterly along the southwesterly lines of Lots 4, 3 and 34 in said Block 4, to the easterly line of Mariposa Avenue; thence northerly along said easterly line of Mariposa Avenue to the southerly line of Ocean Boulevard; thence westerly along said southerly line of Ocean Boulevard to the center line of Mendocino Avenue; thence southerly along said center line of Mendocino Avenue to the center line of Sonoma Avenue; thence westerly along said center line of Sonoma Avenue to the prolongation northerly of the center line of Alpine Avenue; thence southerly along said prolongation northerly, said center line of Alpine Avenue and the prolongation thereof to the southerly boundary line of the City of Long Beach; thence westerly along said southerly boundary line to the westerly boundary line of said city; thence northerly, northeasterly, northwesterly, northeasterly, northwesterly, northeasterly and easterly along the various courses of the boundary line of the City of Long Beach to the point of beginning.

DISTRICT NO. 1, ZONE "B":—This zone of the first district shall be restricted to the location of industries, the nature of whose operations does not constitute a menace from the standpoint of odor or smoke, and is described as follows:

All that portion of the City of Long Beach as hereinbefore described in Article II of this charter, more particularly described as follows: Beginning at the intersection of the easterly line of the Silt Diversion Channel, as said easterly line is shown on Section 2 of Property Location Map No. 29 filed in the office of the Los Angeles County Flood Control Engineer, with the northerly line of Anaheim Street and running thence easterly along said northerly line of Anaheim Street to the easterly line of Daisy Avenue; thence northerly along said easterly line of Daisy Avenue to the northerly line of Fifteenth Street; thence easterly along said northerly line of Fifteenth Street and the prolongation thereof to the easterly line of Magnolia Avenue; thence northerly along said easterly line of Magnolia Avenue to the northerly line of Fifteenth Street; thence easterly along said northerly line of Fifteenth Street to the center line of the first alley east of Henderson Avenue extending northerly from Fifteenth Street; thence northerly along said center line and the prolongation thereof to the northerly boundary line of the City of Long

Alternative
proposition
No. 2.

Alternative
proposition
No. 2.

Beach; thence westerly, southerly and westerly along said northerly boundary line to the aforementioned easterly line of the Silt Diversion Channel; and thence southerly along said easterly line of the Silt Diversion Channel to the point of beginning.

DISTRICT NO. 1, ZONE "C":—This zone of the first district is created for use as a landing and starting field for any or all aviation purposes, and within the boundaries of which it shall be legal to construct airplane, balloon and dirigible hangars, to repair or build air-craft with the exception that no metal parts or engines shall be cast within said zone, and is described as follows:

All that portion of the City of Long Beach as hereinbefore described in Article II of this charter, more particularly described as follows: Beginning at the intersection of the easterly line of Eucalyptus Avenue with the northerly line of Burnett Street and running thence easterly along said northerly line of Burnett Street and the prolongation thereof to the westerly line of Pine Avenue; thence northerly along said westerly line of Pine Avenue to the northerly line of Vernon Street; thence easterly along said northerly line of Vernon Street to the westerly line of American Avenue; thence northerly along said westerly line of American Avenue and the prolongation thereof to the northerly line of Willow Street; thence westerly along said northerly line of Willow Street to the easterly line of Eucalyptus Avenue; and thence southerly along said easterly line of Eucalyptus Avenue to the point of beginning.

DISTRICT NO. 2:—This industrial district known as the East Long Beach Industrial District, is described as follows:

All that portion of the City of Long Beach as hereinbefore described in Article II of this charter, more particularly described as follows: Beginning at the intersection of a line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street with the easterly line of Temple Avenue and running thence northerly along said easterly line of Temple Avenue to a line six hundred twenty feet north of and parallel to the northerly line of Anaheim Street; thence easterly along said line six hundred twenty feet north of and parallel to the northerly line of Anaheim Street to the easterly line of Loma Avenue; thence southerly along said easterly line of Loma Avenue to the southerly line of Anaheim Street; thence easterly along said southerly line of Anaheim Street to the westerly line of Ximeno Avenue; thence southerly along said westerly line of Ximeno Avenue to the aforementioned line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street; and thence westerly along said line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street to the point of beginning.

Sec. 325. The boundaries of the aforementioned industrial districts and zones may be increased, or further industrial

districts created or established by a majority vote of the electors of the City of Long Beach voting thereon at any general or special municipal election. Alternative proposition No. 2.

Sec. 326. The industrial districts and zones aforementioned are hereby defined to be that portion of the City of Long Beach within which such buildings may be erected and such avocations and industries may be maintained as are prohibited in the remaining portions of the City of Long Beach, with the exception of such restrictions as are applied to Zones "B", and "C" of Industrial District No. 1 and Industrial District No. 2, and certain exceptions as set forth in section 327 of this charter.

Sec. 327. That it is hereby declared to be unlawful and a nuisance to erect, construct, repair or maintain any building or structure, or to maintain any yard, or place for the purpose of conducting, carrying on, or maintaining any of the following avocations, industries or lines of business in the City of Long Beach, except within said industrial districts, to-wit: The manufacture of gas and electricity, the maintaining of a stone crusher, rolling mill, planing mill, lumber yard, coal or wood yard, feed yard, carpet beating establishment, fire works, factory, warehouse, laundry, smelter, shipyard, foundry, grist mill, flour mill, glass factory, woolen mill, powder mill, turn-table or freight yard, car barn or the manufacture of any kind of goods, wares or merchandise not hereinbefore mentioned wherein machinery is used, to propel which requires the use of steam, gas, gasoline, distillate or electric energy, where larger than five horsepower motors are used, or any other motive or animal power, or in the manufacture of which large volume of smoke, excessive noise and obnoxious odors are produced, PROVIDED, this section shall not apply to the maintenance of garages, the manufacture of ladies' hats, men's and women's clothing (where not more than ten sewing machines are used), fancy table and floor lamps, reed work, basketry, cigars, jewelry, rose beads, rag dolls, canvas bathing shoes, or any other similar line of small production carried on on a small scale, or to the maintenance of any lines of business or industry which are in existence and being conducted in the City of Long Beach outside of said industrial district at the time of the taking effect of this charter, EXCEPT that no additions, or extensions, or any improvements other than mere repairs of existing parts shall be permitted upon any of the buildings, structures or places where such restricted lines of business are now being conducted or upon any of the machinery or equipment therein.

Sec. 328. That any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars (\$500), or by imprisonment in the city jail for a period of not exceeding six months, or by both such fine and imprisonment, each such person, firm or corporation shall be deemed guilty of a separ-

Alternative
proposition
No. 2.

ate offense for every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person, firm or corporation and shall be punishable therefor as provided in this section.

Said alternative propositions shall be submitted for the choice of the voters at the same time at which the charter shall be submitted, and upon the ballot shall be printed:

“For Alternative Proposition No. 1, providing that District No. 1 shall include: All that portion of the City of Long Beach described as follows:

Beginning at the intersection of the easterly line of the Silt Diversion Channel, as said easterly line is shown on Section 1 of Property Location Map No. 29, filed in the office of the Los Angeles County Flood Control Engineer, with the northerly line of Fifth Street and running thence easterly along said northerly line of Fifth Street to the westerly line of Shanock Avenue; thence northerly along said westerly line of Shanock Avenue to the northerly line of Seventh Street; thence easterly along said northerly line of Seventh Street to the northeasterly line of Fairbanks Avenue; thence northwesterly along said northeasterly line of Fairbanks Avenue to the northerly line of Lot 9, Block 2, “Knoll Park Addition” as per map recorded in Book 6, page 142 of Maps, Records of the County of Los Angeles, State of California; thence westerly along the prolongation of said northerly line of Lot 9, to the easterly line of the private right-of-way of the Pacific Electric Railway Company; thence northerly and northeasterly along the easterly and southeasterly lines of said private right-of-way to the southerly line of Anaheim Street; thence westerly along said southerly line of Anaheim Street to the aforementioned easterly line of the Silt Diversion Channel; and thence southerly along said easterly line of the Silt Diversion Channel to the point of beginning, to be known as the “semi-industrial district, in which may be located warehouses, laundries, and wholesale houses”.

“For Alternative Proposition No. 2, providing that District No. 1 shall not include: All that portion of the City of Long Beach described as follows:

Beginning at the intersection of the easterly line of the Silt Diversion Channel, as said easterly line is shown on section 1 of Property Location Map No. 29, filed in the office of the Los Angeles County Flood Control Engineer, with the northerly line of Fifth Street and running thence easterly along said northerly line of Fifth Street to the westerly line of Shanock Avenue; thence northerly along said westerly line of Shanock Avenue to the northerly line of Seventh Street; thence easterly along said northerly line of Seventh Street to the northeasterly line of Fairbanks Avenue; thence northwesterly along said northeasterly line of Fairbanks Avenue to the northerly line of Lot 9, Block 2, “Knoll Park Addition” as per map recorded in Book 6, page 142 of maps, Records of the County of Los Angeles, State of California; thence westerly along the prolongation of said northerly line of Lot 9, to the easterly line

of the private right-of-way of the Pacific Electric Railway Company; thence northerly and northeasterly along the easterly and southeasterly lines of said private right-of-way to the southerly line of Anaheim Street; thence westerly along said southerly line of Anaheim Street to the aforementioned easterly line of the Silt Diversion Channel; and thence southerly along said easterly line of the Silt Diversion Channel to the point of beginning.”

Alternative
proposition
No. 2.

Voters shall be entitled to vote either for or against the charter, and also for one of the two alternative propositions, and the respective alternative proposition receiving the greatest number of votes shall be thereby adopted and become Article XXIX of the charter..

BE IT FURTHER KNOWN, that the said Board of Freeholders hereby requests said Legislative Body of the City of Long Beach to cause the publication of the said proposed charter as provided in said section 8 of Article XI of said Constitution, and fixes Thursday, the 14th day of April, 1921, as the date for holding a special municipal election in said city, at which the proposed charter, and the two alternative propositions shall be submitted to the qualified electors of the City of Long Beach for their ratification and adoption; and if a majority of the qualified electors of said city, voting at said election, shall ratify the charter, it shall be submitted to the Legislature of the State of California for its approval or rejection;

And if the Legislature of the State of California approve this charter, it shall thereupon become the charter and organic law of the City of Long Beach, except as herein provided.

IN WITNESS WHEREOF, we, the duly elected, qualified and undersigned freeholders of the City of Long Beach, County of Los Angeles, State of California, have hereunto set our hands at the City of Long Beach, County of Los Angeles, State of California, on this 27th day of January, 1921.

CLYDE DOYLE,

President

GLENN E. THOMAS,

Secretary

BISMARCK HOUSSELS

HENRY K. BOOTH

W. JAY BURGIN

N. C. NIELSEN

E. E. NORTON

CHAS. H. TUCKER

FRANCIS L. ROGERS

MRS. M. M. HUMISTON

W. B. MCQUEEN

MRS. W. E. KING

ROBT. B. SWEET

Freeholders of the City of Long Beach, County
of Los Angeles, State of California.

Attest—R. H. JACKSON,
Engrossing Sec’y.

That the foregoing is a full, true and correct copy of said proposed new charter, with said two alternative propositions thereto relating to industrial districts, on file in the office of the city clerk of said City of Long Beach.

IN WITNESS WHEREOF, W. T. Lisenby, mayor as aforesaid, and H. C. Waughop, city clerk as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 18th day of April, 1921.

W. T. LISENBY,
Mayor of the City of Long Beach.

[SEAL]

II. C. WAUGHOP,
City Clerk of the City of Long Beach.

And

WHEREAS, Said proposed new charter with alternative proposition number one thereto relating to industrial districts has been submitted to the legislature of the State of California for approval or rejection without alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Approval by legislature.

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said proposed new charter with alternative proposition number one thereto relating to industrial districts, as presented to, adopted and ratified by the qualified electors of said city of Long Beach, and as hereinabove fully set forth, be and the same is hereby approved as a whole as the charter for the government of the city of Long Beach.

CHAPTER 33.

Senate Joint Resolution No. 27—Relative to extending an invitation to the interstate commerce commission to hold hearings in California.

[Filed with Secretary of State April 28, 1921.]

Hearings by interstate commerce commission in California.

WHEREAS, Many producers of agricultural and horticultural products in California find themselves at this time in a deplorable financial condition because of the excessive freight rates between points of production in California and marketing points east of the Rocky mountains; and

WHEREAS, The condition resulting from the imposition of present freight tariffs is likewise serious in its results to the carriers of freight because of the fact that fruit and vegetables in large quantities are not shipped but are allowed to go to waste; and

WHEREAS, As a natural consequence the embarrassment of would-be shippers and of transportation lines leads to serious economic distress among the people in general who are denied the opportunity to purchase such agricultural and horticultural products at reasonable prices, and the cost of living is materially augmented by failure to ship and to market; and

WHEREAS, In at least one other state in the union the interstate commerce commission, which is the national rate determining body, has ordered a hearing or a conference to be held within said state in the hope of speedily remedying the existing condition by an adjustment of freight rates, such hearing following upon a request for the same by the legislature of said state; now, therefore, be it

Resolved by the senate and the assembly of California, jointly, That the legislature of this state extend to the interstate commerce commission an invitation to hold hearings or conferences in California on the question above outlined; that we urge the earliest possible date for the opening of such hearings to the end that any relief possible may be speedily employed and that we suggest to said interstate commerce commission the advisability of hearings in both Los Angeles and San Francisco; and be it further

Resolved, That the secretary of the senate and the chief clerk of the assembly are hereby directed to forward a copy of this resolution by telegraph to the interstate commerce commission at its office in Washington, D. C.

CHAPTER 34.

Senate Joint Resolution No. 28—Relative to a tariff on olives.

[Filed with Secretary of State April 28, 1921.]

WHEREAS, The olive industry is one of the great and important enterprises of this state, and materially contributes to the upbuilding thereof; and

WHEREAS, The rates of duties on olives should equalize the difference in cost of production between the United States and foreign countries; and

WHEREAS, The continuation of the existing low rate of duty upon the importation of olives will seriously hamper and retard the growth and development of the State of California; now, therefore, be it

Resolved by the senate and assembly of the State of California, jointly, That we respectfully memorialize the congress of the United States to impose a tariff upon olives and olive products which shall be adequate to cover the difference in the cost of production of olives and olive prod-

acts in the United States and foreign countries; and be it further

Resolved, That our senators and representatives in congress be and they hereby are urged and requested to use every honorable means to accomplish this object; and be it further

Resolved, That copies of these resolutions be transmitted to the president of the senate and the speaker of the house of representatives of the United States, and to each of our senators and representatives in congress.

CHAPTER 35.

Senate Joint Resolution No. 29—Relative to an expression of confidence on the part of the California legislature in the integrity and ability of General Alvaro Obregon as president of the republic of Mexico.

[Filed with Secretary of State April 28, 1921.]

Expression
of
confidence
in General
Alvaro
Obregon.

WHEREAS, There has existed in our neighboring republic of Mexico an era of strife and revolution in which life, liberty, property and the pursuit of happiness was at many times in jeopardy; and

WHEREAS, There has finally been elected to the presidency of our great sister republic a man who promises to be the true savior of his country, the most honorable, General Alvaro Obregon; and

WHEREAS, President Obregon, himself a man of the people, enjoys the entire respect, confidence and enthusiastic backing of all classes in his country; and

WHEREAS, A new era of peace, prosperity and friendly relationship has been brought about by his excellency, President Obregon; and

WHEREAS, It is most fitting and appropriate that the great State of California should join her sister states in a formal expression of friendship to the people of our sister republic and of commendation and confidence in President Obregon; now therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California declares itself to be most pleased with the election of and the administration by President Obregon, and takes pleasure in congratulating the people of Mexico upon the new era of peace and prosperity and friendly relationships which has been established; and be it further

Resolved, That the secretary of the senate be and she is hereby directed to forward copies of this resolution to the President of the senate of the United States and the speaker of the house of representatives, and to each of California's senators and representatives in congress; and be it further

Resolved, That the secretary of the senate be and she is hereby directed to send to President Obregon a copy of this resolution.

CHAPTER 36.

Senate Joint Resolution No. 26—Relative to immigration.

[Filed with Secretary of State April 28, 1921.]

WHEREAS, The Japanese Exclusion League of California, representing officially such organizations as the American Legion, War Veterans, Native Sons and Native Daughters of the Golden West, State Federation of Women's Clubs, State Federation of Labor, and various other patriotic, civic and fraternal bodies, have adopted a statement of policy recommended for adoption by the government of the United States as urgently required in protection of the nation's interest against the growing menace of Japanese immigration and colonization; and

Undersement of declaration of principles of Japanese Exclusion League.

WHEREAS, Said declaration of principles has been approved by the organizations affiliated with the League—the Los Angeles County Anti-Asiatic Association and the Japanese Exclusion League of Washington; and

WHEREAS, Said declaration of principles is in words and figures as follows, to wit:

First—Absolute exclusion for the future of all Japanese immigration, not only male, but female, and not only laborers, skilled and unskilled, but "farmers," and men of small trades and professions, as recommended by Theodore Roosevelt.

Permission for temporary residence only for tourists, students, artists, commercial men, teachers, etc.

Second—Such exclusion to be enforced by United States officials, under United States laws and regulations, as done with immigration, admitted or excluded, from all other countries; and not, as at present, under an arrangement whereby control and regulation is surrendered by us to Japan.

Third—Compliance on the part of all departments of the federal government with the constitution, and the abandonment of the threat or attempt to take advantage of certain phrasing of that document as to treaties, which it is claimed gives the treaty-making power authority to violate plain provisions of the constitution in the following matters:

(a) To nullify state rights and state laws for control of lands and other matters plainly within the state's jurisdiction.

(b) To grant American citizenship to races of yellow color, which are made ineligible for such citizenship.

Fourth—For the Japanese legally entitled to residence in California, fair treatment, protection in property rights legally acquired, and the privilege of engaging in any business desired, except such as may be now or hereafter denied by law to all aliens, or to aliens ineligible to citizenship; and provided particularly they may not hereafter buy or lease agricultural lands.

Now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby endorses said declaration of principles and urges that the president, the department of state and the congress of the United States adopt and observe the policy therein stated; and be it further

Resolved, That the secretary of the senate be and she is hereby directed to transmit copies of these resolutions to the president and the secretary of state of the United States and to each of California's senators and representatives in congress.

CHAPTER 37.

Senate Concurrent Resolution No. 24—Relative to the retirement of Major General Hunter Liggett from active service in the United States army.

[Filed with Secretary of State April 28, 1921.]

Retirement
of Major
General
Hunter
Liggett.

WHEREAS, In conformity with the automatic age-limit rule of the United States army, Major General Hunter Liggett did on March 22 retire from active service; and

WHEREAS, During a continuous period of forty years of active service General Liggett has by soldierly qualities and devotion to duty been a model as a soldier and an inspiration to his comrades in arms, and a source of great pride to a grateful and admiring public; and

WHEREAS, During the brilliant campaign of the American expeditionary forces in France during the world war, General Liggett did, by reason of his military genius and ability inaugurate a system of training and replacement which called forth the warmest praise from all the allied commanders; and

WHEREAS, As commander of the first army corps, and later the first army, composed of one million one hundred thousand American soldiers and more than five thousand guns directed the fighting at both Chateau-Thierry and St. Mihiel and later pressing the German army steadily and surely back to the formerly impregnable Sedan, crossing the Meuse river and finally on the historic eleventh day of November, 1918, by reason of indomitable courage and efficiency brought the magnificent army of the German crown prince at his mercy, thereby under this supreme test displaying remarkable nerve as a fighter and marked ability as a leader and strategist and thereby upholding the splendid traditions of our American citizenship; and

WHEREAS, As commanding general of the ninth army corps area, with headquarters at San Francisco, California has by his splendid qualities as a man and a soldier, has endeared himself to all who have had the pleasure of contact with him, and

WHEREAS, General Liggett has declared that he proposes to spend the remainder of his life in California; therefore, be it

Resolved by the senate, the assembly concurring, That the legislature on behalf of the people of the State of California, appreciating the long, faithful and efficient military service of General Liggett, and in consideration of his sterling qualities as a citizen, extend to him our most hearty congratulations and extend to him a warm and affectionate welcome as a citizen of the State of California; and be it further

Resolved, That the secretary of the senate be and she hereby is directed to forward forthwith suitably engrossed copies of these resolutions to Major General Hunter Liggett, and to the secretary of war.

CHAPTER 38.

Senate Concurrent Resolution No. 22—Approving three certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the fifteenth day of February, 1921.

[Filed with Secretary of State April 28, 1921.]

WHEREAS, The city of Palo Alto, in the county of Santa Clara, State of California, contains a population of more than three thousand five hundred inhabitants, and has been ever since the year 1909, and is now organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the twenty-first day of January, A. D. 1909, and approved by the legislature of the State of California on the twentieth day of February, 1909, (statutes of 1909, page 1175); and

Palo Alto
city
charter
amend-
ments.

WHEREAS, The city council of the said city of Palo Alto did by resolution duly adopted by said city council and approved by the mayor of said city on the thirteenth day of December, 1920, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said city of Palo Alto, certain amendments to the charter of said city of Palo Alto, to be submitted to the said qualified electors at a special municipal election to be held in said city on the fifteenth day of February, 1921; said amendments being three in number; and

WHEREAS, Said proposed amendments were, and each of them was, published in a daily newspaper printed and published in said city of Palo Alto, and having a general circula-

tion therein, to wit: The Daily Palo Alto Times; said publication being on the twentieth day of December, 1921; and

WHEREAS, Copies of said amendments were printed in convenient pamphlet form, and a notice that such copies may be had upon application therefor at the office of the city clerk of said city, was published each and every day from and after the publication of said amendments until the date fixed for the election upon said amendments in said daily newspaper of general circulation; and

WHEREAS, The city council of said city did, by said resolution, duly adopted by said city council and approved by the mayor of said city, order the holding of a special municipal election in said city of Palo Alto on the fifteenth day of February, 1921; said day being not less than forty days and not more than sixty days after the completion of the advertising of said charter amendments in the official paper, to wit: The Daily Palo Alto Times; a daily newspaper of general circulation, published and circulated in said city; and did provide in said resolution for the submission of the proposed charter amendments numbers 20 to 22 inclusive, to the qualified electors of said city for their ratification at said election.

WHEREAS, Said election was duly called and held on said fifteenth day of February, 1921, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said three proposed amendments to said charter; and

WHEREAS, The city council of the said city of Palo Alto in accordance with the law in such cases made and provided, did meet on Thursday, the seventeenth day of February, 1921, at their usual time and place of meeting, and duly canvass the returns of said election as certified by the election boards, and duly found, determined and declared that a majority of the qualified electors of said city voting thereon had voted for and ratified the three said proposed amendments to the charter of said city of Palo Alto, to wit:

Charter amendment number twenty;

Charter amendment number twenty-one;

Charter amendment number twenty-two;

And

WHEREAS, The said three subsequent amendments to the charter so ratified by the majority of the qualified electors of said city voting at said election are in words and figures, to wit:

CHARTER AMENDMENT NUMBER TWENTY

Article IX of the charter of the City of Palo Alto shall be amended by adding thereto a new section to be known as Section 18, and to read as follows:

Sec. 18. The Council of the City of Palo Alto may sublease real property owned or leased by the city for a period not to exceed twenty-five years.

CHARTER AMENDMENT NUMBER TWENTY-ONE

Article IX of the charter of the City of Palo Alto shall be amended by adding thereto a new section to be known as section 19, and to read as follows:

Sec. 19. In case of the absence or disability to act of any member or members of the Board of Public Works, Board of Public Safety or Library Board, the Council may appoint a member or members ^{Members.} _{pro tem.} on said board or boards with full powers of a regular member to act during the absence or disability of the regular member.

CHARTER AMENDMENT NUMBER TWENTY-TWO

Section II of Article III of the charter of the City of Palo Alto shall be amended as follows:

Sec. II. The council shall by ordinance provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll. On or before September first in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax levy for all municipal purposes, except the payment of interest and principal of the bonded debt, shall not exceed the sum of 125 cents upon each \$100.00 of assessed valuation as the same appears upon the assessment roll. If in the judgment of the council it should be necessary to provide a revenue in excess of the sum realized from the levy herein provided, the question of the levy of an additional tax shall be submitted to the electors, and a special election may be held for that purpose. The additional sum or rate required to be raised by such additional tax levy shall be expressed upon the ballot. If a majority of the votes cast upon such proposition shall be in favor of authorizing the council to levy such additional rate, then the council may levy the additional tax so authorized: and

Whereas, the said proposed amendments to the charter of the City of Palo Alto so ratified are now submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with section eight of article eleven of the State of California.

State of California
County of Santa Clara } ss
City of Palo Alto

This is to certify that we, A. M. Cathcart, mayor of the City of Palo Alto, and Frank Kasson, clerk of the City of Palo Alto, have compared the foregoing proposed and ratified amendments to the charter of the City of Palo Alto with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election, called for that purpose, on Tuesday, the 15th day of February, 1921, and find that the foregoing is a

full, true, correct and exact copy thereof and of each of them; and we further certify that the facts set forth in the preamble preceding such amendments to said charter are and each of them is true.

That as to all of said amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In Witness Whereof, We Have hereunto set our hands and caused the corporate seal of the City of Palo Alto to be attached, this twenty-eighth day of February, 1921.

A. M. Cathcart,
Mayor.

(SEAL)

FRANK KASSON,
City Clerk of the
City of Palo Alto.

And

WHEREAS, The said three amendments so ratified as hereinbefore set forth have been duly presented, and submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said section eight of article eleven of the constitution of the State of California; now, therefore, be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly concurring (a majority of all members elected at each house voting for the adoption of this resolution, and concurring therein), that the said three amendments to the said charter of the city of Palo Alto hereinbefore set forth as presented and submitted to, and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for, and as amendments to the said charter of said city of Palo Alto.

CHAPTER 39.

Senate Joint Resolution No. 17—Authorizing the attorney general to institute and prosecute such suits in equity, actions at law, or other appropriate proceedings as may be necessary to protect certain rights and enforce certain remedies of the State of California.

[Filed with Secretary of State April 28, 1921.]

Proceedings
to protect
rights of
state in
lakes in
Siskiyou
and Modoc
counties.

WHEREAS, There has arisen and does now exist a controversy between the State of California on the one hand and the United States on the other concerning the proper construction and application of the provisions of that certain act of the legislature of the State of California, entitled "An act authorizing the United States government to lower the water levels, of any or all of the following lakes: Lower or Little Klamath lake, Tule or Rhett lake, Goose lake, and Clear lake, situated

in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the reclamation service of the United States; also ceding to the United States all right, title, interest or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the state," approved February 3, 1905; and

Proceedings to protect rights of state in lakes in Siskiyou and Modoc counties.

WHEREAS, Though more than sixteen years have elapsed since the passage and approval of said act, the United States has not constructed the contemplated, or any, works for lowering the waters of Lower or Little Klamath lake, or of Goose lake, or made the contemplated, or any provision for using all or any part of the beds of said lakes last named, or either of them, for the storage of water, and has not made any beneficial use of the waters of either of said lakes or of any lands uncovered by lowering the water levels of said lakes, or either thereof; and

WHEREAS, The use of said waters for the irrigation of lands in California susceptible of irrigation by the waters which ever since said third day of February, 1905, have been and are now going to waste will be of great and permanent value to the state and to the people thereof; and

WHEREAS, Subsequent to said date last mentioned the congress of the United States has passed, and the president has approved, legislation providing for the disposition of certain of said lands in a manner other than that prescribed by the provisions of said reclamation act of June 17, 1903, and without making any provision for the reclamation or irrigation of such lands; and

WHEREAS, In the judgment and determination of this legislature the subject matter of such existing controversy is one which may properly be submitted to the courts for adjudication; now, therefore, be it

Resolved by the senate and assembly, jointly, That the attorney general of the State of California be and he hereby is authorized, in the name of the State of California and as the act and deed thereof, to institute and to prosecute to final judgment any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate to enforce any and all rights and remedies of the State of California in any manner arising from or growing out of or pertaining to said act of February 3, 1905, including all rights and remedies in any manner relating to the lands and waters, or any part thereof therein named; and in and by any and all such suits, actions, or proceedings the attorney general shall, in such manner as he shall deem appropriate, assert all rights and remedies existing in favor of the State of California relating to the subject of such suits, actions, and proceedings, including the claim on behalf of the state that certain of the lands and waters granted by said act and certain rights and

privileges with respect to the use and manner of use thereof, or any part thereof, have been and are forfeited to the state by reason of any breaches or violations or nonperformance of any of the terms or conditions of said act which may be alleged and established in any such suits, actions, or proceedings; it not being intended hereby to determine the right of the state to any such forfeiture or forfeitures, but it being intended to fully authorize the attorney general, in and by such suits, actions, or proceedings to assert on behalf of the state in any court or other tribunal wherein such suits, actions, or proceedings may be instituted or pending the claim and right of the state to such forfeiture or forfeitures, and, if found, to enforce the same.

CHAPTER 40.

Senate Joint Resolution No. 21—Relative to the protection of American grown hops.

[Filed with Secretary of State April 28, 1921.]

Protection
of
American
grown
hops.

WHEREAS, It appears from authentic sources that continental European hop growers are producing hops under a wage scale of about one-fifteenth of the American labor cost; and

WHEREAS, Due to the conditions that have arisen since the World's war, hops can be delivered in New York from German ports at a freight cost of approximately one-half cent per pound whereas it costs four cents per pound to deliver California grown hops in New York after having paid out fifteen times as much in labor to produce them; and

WHEREAS, Unless some tariff regulation is made on foreign grown hops there is grave danger that the hop growers of California will be forced to abandon the field; and

WHEREAS, A new tariff bill is being formulated in Washington and will be presented to the special session of congress which will shortly convene; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby respectfully urges that the senators and representatives of this state in congress use their best endeavors to secure at the coming session of congress such a provision of protection in the new tariff act as will enable said industry to be saved to this country; and be it further

Resolved, That the secretary of the senate be and she is hereby directed to forward copies of these resolutions to the speaker of the house of representatives, the president of the United States senate, the honorable Jos. Firdney, the chairman of the ways and means committee of the house of representatives and to each of the senators and representatives in congress from this state.

CHAPTER 41.

Senate Constitutional Amendment No. 4—Relative to the framing and ratifying of municipal charters.

[Filed with Secretary of State May 11, 1921.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-fourth regular session, beginning on the third day of January, 1921, two-thirds of all the members elected to each of the houses voting in favor thereof, propose to the people of the state that section eight of article eleven of the constitution be amended to read as follows:

Sec. 8. Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States or of the legislature of California, may frame a charter for its own government, consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one hundred twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred twenty days may with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a

Constitutional amendment.

Framing and ratification of municipal charters.

Printing
and ratifi-
cation of
municipal
charters

paper of general circulation); and shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the legislature, if then in session, or at the next regular or special session of the legislature. The legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the legislature. The signatures on such petition shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon held at a date to be fixed by the legislative body of such city,

not less than forty and not more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one, receive a majority of the votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any such charter, or amendment thereof, to provide for the creation of boroughs in all or any part of the territory of the city or city and county governed thereby, and to provide that each such borough may exercise such general or special municipal powers, and to be administered in such manner, as may be prescribed for each such borough in such charter; *provided, however,* that after the creation of any such borough, the powers thereof shall not be modified, amended or abridged in any manner, without the consent of a majority of the qualified electors of such borough voting at a regular or special election.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city or city and county shall, so far as applicable, govern all elections held under the authority of this section.

Framing
and ratifi-
cation of
municipal
charters.

CHAPTER 42.

Senate Constitutional Amendment No. 13—A resolution proposing to the people of the State of California, an amendment to article eleven of the constitution of the state, by adding a new section thereto, to be known as section seven and one-half b of said article eleven, relating to the annexation or consolidation of municipalities.

[Filed with Secretary of State May 11, 1921.]

Constitutional amendment.

Be it resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session, commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of the state legislature voting in favor thereof, hereby proposes to the people of the State of California, that article eleven of the constitution of the State of California be amended by adding to said article eleven a new section to be known as section seven and one-half b, of said article eleven, and to read as follows:

Annexation of municipalities.

Sec. 7½b. No incorporated city or town shall ever be transferred or annexed to, or consolidated with, any other municipality, or consolidated city and county, without the consent of a majority of the voters of such incorporated city or town voting at an election called for that purpose.

CHAPTER 43.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the constitution of said state, by amending section seventeen of article six, relating to the salaries of the justices of the supreme court, the justices of the district courts of appeal, and of the judges of the superior courts.

[Filed with Secretary of State May 11, 1921.]

Constitutional amendment.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its regular session commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of the members elected to each of the two houses of the said legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by amending section seventeen of article six to read as follows:

Salaries of superior judges.

Sec. 17. The salaries of the justices of the supreme court and of the district courts of appeal shall be paid by the state. Of the salary of each judge of the superior court the state shall pay three thousand dollars; the remaining portion thereof shall be paid by the county for which the judge is elected, and

in an amount to be determined by the legislature. The justices of the supreme court shall each receive an annual salary of eight thousand dollars, and the justices of the several district courts of appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly.

CHAPTER 44.

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article eleven thereof a new section to be known as section twenty.

[Filed with Secretary of State May 11, 1921.]

The legislature of the State of California at its regular session commencing on the third day of January, in the year one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that article eleven of the constitution of the State of California, be amended by adding thereto a new section to read as follows:

Constitutional amendment

Sec. 20. Any two or more cities may enter into any contract, in the manner herein provided, for the acquisition, construction, ownership, operation or control of any public works for supplying their respective inhabitants, or the inhabitants of any such city, with light, water, power, heat, transportation, telephone service or other utility service, or other matter relating to any municipal affair determined by the contracting cities to be of common concern. Such contract may include provision for the assumption, adjustment or creation of bonded or other indebtedness. Any such proposed contract shall be published once in a newspaper of general circulation published in each city, or if no such newspaper is so published in any city, such contract shall be posted in three public places therein. Such contract shall be submitted to the electors in each city at any general or special election or elections held not less than thirty nor more than ninety days after such publication or posting therein. In all instances in which the assumption, adjustment or creation of bonded indebtedness is incident to the approval of such contract, the affirmative vote of two-thirds of the qualified electors voting thereon in each city proposing to assume or create such indebtedness shall be necessary to approve such contract and authorize such bonded indebtedness. In all other instances the affirmative vote of a majority of such electors shall be necessary to approve such contract. When approved in the manner herein required in each city, such contract shall be submitted to the legislature at its current or next succeeding session and approved or rejected without power of

Contract by two or more cities for acquiring public works.

alteration or amendment in the same manner as is provided for approval or rejection of municipal charters in section eight of this article. When so approved by the legislature and until the expiration of such contract by its terms, or as herein provided, such contract shall become a part of the organic law of the cities which are parties thereto, subject to amendment or termination in the same manner as herein provided for the adoption of the original contract.

The term "cities" as used in this section, shall include cities and cities and counties.

The powers granted by this section shall be in addition to all powers which may now or hereafter exist in cities, and nothing contained in this section shall in anywise limit any power now or hereafter granted to the state, or to any district, municipal corporation, or political subdivision of the state, by any other provision of this constitution, or in anywise apply to or affect the method of exercising the same.

CHAPTER 45.

Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California that the constitution of said state be amended by adding to article thirteen thereof a new section, to be numbered twelve and one-half, relative to revenue and taxation.

[Filed with Secretary of State May 11, 1921.]

Constitutional amendment.

Resolved by the senate, the assembly concurring, that the legislature of the State of California at its forty-fourth regular session, beginning on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California that a new section be added to article thirteen of the constitution of the State of California to be known and designated as section twelve and one-half of article thirteen of the constitution of the State of California and to read as follows:

Tax on stocks, bonds and mortgages.

Sec. 12½. The legislature, subject to section one of article four hereof, shall have power to provide for the assessment, levy and collection of taxes upon all notes, debentures, shares of capital stock, bonds or mortgages, not exempt from taxation under the provisions of this constitution, in a manner, at a rate or rates or in proportion to value different from any other property in this state subject to taxation. Taxes imposed by any act of the legislature adopted pursuant to the powers hereby conferred shall be in lieu of all other property taxes, state, county, municipal or district, upon such property. The legislature shall provide for an equi-

table distribution of such taxes to the county, municipality or district in which such property is taxed. The exercise of the powers hereby conferred shall in no way affect the assessment, levy and collection of taxes under the provisions of section fourteen of this article.

CHAPTER 46.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding a new section to article nine thereof, to be known as section six and one-half, relating to the formation of school districts situated in more than one county, and the issuance and payment of bonds of such districts.

[Filed with Secretary of State May 11, 1921.]

Resolved by the senate, the assembly concurring, that the legislature of the State of California, at its regular session, commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that a new section be added to article nine of the constitution of said state, to be known as section six and one-half, and to read as follows:

Sec. 6½. Nothing in this constitution contained shall forbid the formation of districts for school purposes situate in more than one county or the issuance of bonds by such districts under such general laws as have been or may hereafter be prescribed by the legislature; and the officers mentioned in such laws shall be authorized to levy and assess such taxes and perform all such other acts as may be prescribed therein for the purpose of paying such bonds and carrying out the other powers conferred upon such districts; *provided*, that all such bonds shall be issued subject to the limitations prescribed in section eighteen of article eleven hereof.

CHAPTER 47.

Senate Constitutional Amendment No. 34—Relative to judges pro tempore.

[Filed with Secretary of State May 11, 1921.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-fourth regular session, two-thirds of all the members elected to each of the houses thereof voting in favor hereof, proposes to the

people of the State of California to amend section eight of article six of the state constitution, to read as follows:

Judges
pro
tempore.

Sec. 8. A judge of any superior court may hold a superior court in any county, at the request of a judge of the superior court thereof, and upon the request of the governor it shall be his duty so to do. But a cause in the superior court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause, and the person so selected shall be empowered to act in such capacity in all further proceedings in any suit or proceedings tried before him until the final determination thereof. There may be as many sessions of a superior court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judgments, orders, acts and proceedings of any session of any superior court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session.

CHAPTER 48.

Senato Constitutional Amendment No. 35—Relative to taxation.

[Filed with Secretary of State May 11, 1921.]

Constitutional
amendment.

Resolved by the senate, the assembly concurring. That the legislature of the State of California at its forty-fourth regular session, two-thirds of the members elected to each of the houses thereof, voting in favor hereof, hereby proposes to the people to amend section fourteen of article thirteen of the constitution of the state to read as follows:

Taxation
for state
purposes.

Sec. 14. Taxes levied, assessed and collected as hereinafter provided upon railroads; street railways; interurban electric railways, whether operated in one or more counties; gasoline propelled interurban railways; sleeping car, dining car, drawing room car and palace car companies, refrigerator, oil, stock, fruit, and other carloaning and other car companies operating upon railroads in this state; companies doing express business on any railroads, steamboat, vessel or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity, insurance companies; banks, banking associations, savings and loan societies, and trust companies, and taxed upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint stock associations, companies and corporations.

(a) All railroad companies, street railway companies, interurban electric railway companies and gasoline propelled interurban railway companies, whether operated in one or more counties; all sleeping car, dining car, drawing room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies, operating upon the railroads in this state; all companies doing express business on any railroads, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof used exclusively in the operation of their business in this state, computed as follows:

Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies, and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state; *provided*, that whenever any company taxed under the provisions of this section shall pay to any other such company for any commodity furnished by the latter, any money which shall upon its receipt add to and become a part of such other company's gross receipts from operation as herein defined, said sum so paid shall be deducted from the gross receipts from operation of the company paying same and the tax as herein provided shall be computed on the net amount of such company's receipts remaining after such deduction.

The business of said companies as herein used shall be deemed to also include the production, transmission or sale of by-products, and steam and hot water service, resulting from the operation of any of the properties reasonably necessary in the conduct of the businesses herein enumerated.

The percentages above mentioned shall be as follows: On all railroad companies, seven per cent; on all street railway companies, interurban electric railway companies and gasoline propelled interurban railway companies five and one-quarter per cent, on all sleeping car, dining car, drawing room car, palace car companies, refrigerator, oil, stock fruit and other car-loaning and other car companies, five and one quarter per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, one per cent; on all telegraph and telephone companies, five and one-half per cent; on all companies engaged in the transmission or sale of gas or electricity, seven and one-half per cent. Such taxes shall be in lieu of all other taxes and licenses,

state, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

Auto stage
companies.

(b) Every company engaged in the operation of motor vehicles for the transportation of persons or property for compensation, other than taxicabs, hotel busses, local drays, or delivery service, operated within city limits, or any bus operated exclusively for the transportation of pupils to or from any public school, sight-seeing busses, and companies operating motor vehicles as a part of or incidental to a commercial, industrial, or agricultural enterprise, when the compensation thereof is charged or absorbed in the amount paid for the product furnished by such enterprise, shall annually pay to the state a confined license and property tax of two per cent upon its gross receipts within this state, as defined in this section. Said tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property used exclusively in such transportation business except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

Insurance
companies.

(c) Every insurance company or association doing business in this state shall annually pay to the state a tax of two and sixty-hundredths per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; *provided*, that there shall be deducted from said two and sixty-hundredths per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or

country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the legislature upon insurance companies of such other state or country doing business in this state.

(d) The shares of capital stock of all banks, organized ^{Bank} _{stock.} under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the state, of one and sixty-three hundredths percentum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value as carried in the assets of said bank of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus and undivided profits, at their full cash value, and deducting therefrom the value as carried in the assets of said bank of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state taxes, county and municipal, upon the property of the banks and

bankers, mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking association, savings and loan societies and trust companies, but shall not include building and loan associations.

Franchises.

(e) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one and sixty hundredths per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state.

Moneys for support of school system and state university.

(f) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the state to the support of the public school system and the state university. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the state, including the above named expenditures for educational purposes, there may be levied in the manner to be provided by law a tax, for state purposes, on all the property in the state including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivision (a), (b), (c) and (e) of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district, on the eighth day of November, one thousand nine hundred ten. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for state purposes.

(g) All the provisions of this section shall be self executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall prescribe the procedure for the determination of the question of whether property shall be classed as operative or non-operative, and shall provide for the valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any officers, state, county, and municipal in connection with the administration of this section and of all laws enacted to carry the same into effect.

The rates of taxation fixed in this section shall remain in force until changed by the legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature. The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

Change in rates.

(h) The legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, in fixing the rates of taxation pursuant to the provisions of this section may classify and reclassify, divide and subdivide the several group of utilities or companies mentioned therein, and fix such rates as it may determine for the respective classes, subclasses, divisions or subdivisions so established by it from time to time.

Reclassification of utilities.

(i) No injunction shall ever issue in any suit, action or proceeding in any court against this state or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section; but after payment action may be maintained to recover any tax illegally collected in such a manner and at such time as may now or hereafter be provided by law.

CHAPTER 49.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California that the constitution of said state be amended by adding to article four a new section to be numbered twenty-five a, relative to special laws.

[Filed with Secretary of State May 11, 1921.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-fourth regular session, commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of the members elected to each of the houses thereof voting in favor hereof, hereby proposes to the people of the State of California to

Constitutional amendment.

amend the constitution of the state by adding a new section to article four of the constitution to be numbered twenty-five *a* and to read as follows:

Special laws
creating
districts.

Sec. 25a. The legislature shall not pass any special or local laws creating irrigation, reclamation, drainage or flood control districts but shall provide for the organization and government of such districts by general law.

CHAPTER 50.

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one of article two thereof, relating to the right of suffrage.

[Filed with Secretary of State May 11, 1921.]

Constitutional
amend-
ment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section one of article two of the constitution of this state be amended to read as follows:

Right of
suffrage.

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was sixty years of age and upwards on October 10, 1911; *provided, further*, that the legislature may, by general law, provide for the casting of votes by duly registered voters who, by reason of their occupation, are regularly required to travel about the state and who, by such affidavit as the legislature may prescribe, show

Absent
voting.

that they will be absent from their respective precincts on the day on which any primary or general election is held, or who, by reason of their being engaged in the military or naval service of the United States or of the state, may be absent from their respective precincts on the day on which any primary or general election is held; which votes (a) may be cast in the office of the registrar of voters, or of the county clerk of the county or city and county in which such voters respectively reside, and on a day prior to the date of such election, under such provisions as the legislature may see fit to make; or (b) may be cast in the city, city and county or town within this state in which such voters may be on the day on which such election is held, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots cast at such election; or (c) in cases where said voters are engaged in such military or naval service, may be cast at any place, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots at such election; all of which votes shall be kept in such manner and counted by such methods as the legislature may prescribe; *provided*, that it must be required that all ballots cast in any other place than the precinct of the voter must be received by the county clerk of the county, in which the voter is registered, within two weeks of the election, in which such ballots are to be counted.

CHAPTER 51.

Assembly Constitutional Amendment No. 19—A resolution to propose to the people of the State of California, to amend the constitution of said state by adding to article twelve thereof a new section to be numbered five and one-half, relative to the regulation of the business of issuing guarantees or policies of insurance upon the title to real or personal property.

[Filed with Secretary of State May 11, 1921.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its regular session commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to amend the constitution of said state by

Constitutional
amendment.

adding to article twelve thereof a new section, to be numbered five and one-half and to read as follows:

Regulation
of title
insurance
business.

Sec. 5½. The legislature may provide for the classification by population, of counties (including any city and county) for the purpose of regulating the business of issuing guarantees or policies of insurance upon the title to real or personal property.

CHAPTER 52.

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to section one and one-quarter of the constitution of the State of California, relating to exemption from taxation all veterans of the army, navy or marine corps, and revenue marine service of the United States in time of war.

[Filed with Secretary of State May 11, 1921.]

Constitu-
tional
amend-
ment.

The legislature of the State of California at its regular session commencing on the third day of January A. D. one thousand nine hundred twenty-one, two-thirds of the members elected to each of the two houses of said legislature voted in favor thereof, hereby proposes that section one and one quarter of article thirteen of the constitution of the State of California be amended to read as follows:

Exemption
from
taxation of
property of
veterans.

Sec. 1½. The property to the amount of one thousand dollars of every resident of this state who has served in the army, navy, marine corps or revenue marine service of the United States in time of war, and received an honorable discharge therefrom or who has been released from active duty under honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this state, or if there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty under honorable conditions, and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this state, of soldiers, sailors and marines who served in the army, navy or marine corps or revenue marine service of the United States shall be exempt from taxation; *provided*, this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not a legal resident of the state.

CHAPTER 53.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section sixteen and one-half of article eleven thereof, relating to deposits of public moneys.

[Filed with Secretary of State May 11, 1921.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-fourth session, commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, proposes to amend section sixteen and one-half of article eleven of the constitution of the state to read as follows:

Constitutional amendment.

Sec. 16½. All moneys belonging to, or in the custody of, the state or any county or municipality within this state may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws of this state, in such manner and under such conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each house of the legislature and approved by the governor and subject to the referendum; *provided*, that the laws now governing the deposit of such moneys shall continue in force until such laws shall be amended, changed or repealed as in this section authorized; *and provided, further*, that the state or any county, city and county, city, town, municipality, or other political subdivision issuing bonds under the laws of this state, may deposit moneys in any bank or banks outside this state for the payment of the principal or interest of such bonds at the place or places at which the same are payable.

Deposits of public moneys.

CHAPTER 54.

Assembly Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to the constitution by adding a new section to article eleven thereof to be designated section nineteen a, authorizing the state, or municipal corporations or political subdivisions thereof, to provide water, electric energy, or protection from flood, by utilizing, or controlling, the waters of any stream situate outside this state, or partly within and partly without this state.

[Filed with Secretary of State May 11, 1921.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-fourth regular session, beginning on the third day of January, one thou-

Constitutional amendment.

sand nine hundred twenty-one, two-thirds of all the members elected to each of the houses voting in favor thereof, proposes to the people of the state that a new section be added to article eleven of the constitution, to be numbered section nineteen a, and to read as follows:

Use or
control of
stream
partly
within and
partly
without
state.

Sec. 20. The State of California, or any district, municipal corporation or political subdivision of said state, authorized by law to establish public works for the purpose of supplying itself, or its inhabitants, with water, electric energy or means of protection from flood, may, for any such purpose, provide for utilizing or controlling the waters of any stream situated outside of this state, or partly within and partly without this state, and, to that end, may do and perform each, any or all of the following acts and things, to wit:

(a) Acquire, establish, construct, own, maintain and operate, either alone or in common with any other political organization or organizations, any works, plants or structures, whether within this state or outside thereof, or partly within and partly without this state, necessary or convenient for any such purpose;

(b) Make and enter into contracts with any political organization, or organizations, with reference to the acquisition, establishment, construction, ownership, maintenance or operation of such works, plants or structures, including contracts for participating in the cost and benefits of the acquisition, establishment, construction, maintenance or operation of such works, plants or structures, provided, or to be provided, by any other political organization, or organizations, and contracts for the participation by any other political organization, or organizations, in the cost and benefits of such works, plants, or structures, provided, or to be provided, by the State of California, or any district, municipal corporation, or corporations, or political subdivision, or subdivisions, of said state, and contracts with any person, or persons, firm, or firms, corporation, or corporations, for participation by them, or any of them, in the cost, and, subject to the limitations hereinafter expressed, in the benefits, of any such works, plants, or structures, or for the furnishing to them, or any of them, of water or electric energy, but no person, firm or corporation, other than a political organization, shall ever own or operate, or hold any interest in, any such works, plants or structures;

(c) Become a member, associate or shareholder in any organization, association or corporation now or hereafter provided for under the laws of the United States, or of any state or states, and which shall be formed solely for the purpose of acquiring, establishing, constructing, owning, maintaining or operating any such works, plants or structures, and membership, association or shareholding in which shall be limited strictly to the United States, or any agency thereof, states, municipal corporations and political subdivisions thereof; and

(d) Incur bonded indebtedness under such restrictions and limitations as to amount as may be imposed by law, for the purpose of providing for paying, or participating in, the cost of acquiring, establishing or constructing any such works, plants or structures, either directly or under any contract arrangement with any other political organization, or organizations, as provided in this section, or by participation in providing capital funds for any organization, association or corporation contemplated by subdivision (c) of this section.

The words "political organization" as used in this section shall be understood to include the United States, or any agency thereof, the State of California; any other state, any district, municipal corporation or political subdivision of the State of California, or of any other state, and any organization, association or corporation contemplated by subdivision (c) of this section.

Nothing contained in section thirty-one of article four or in section thirteen of article eleven of this constitution, or in any other provision thereof, shall prevent, or interfere with, the doing by the state, or any municipal corporation or political subdivision thereof, of any act permitted by the terms of this section.

CHAPTER 55.

Assembly Joint Resolution No. 3—Relative to the adoption of an American policy in the purchasing of relief supplies.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, The legislature of the State of California is in full accord with the principle of extending relief to the distressed countries of Europe and earnestly urges upon the citizenry of this state a hearty co-operation in all relief measures; and

WHEREAS, The American people as a whole have generously contributed in the past to all worthy relief enterprises; and

WHEREAS, It is evident that in so far as it is practicable the money raised in the United States should be spent in the United States for supplies produced in the United States and its insular possessions; and

WHEREAS, Such a policy of purchasing should be and become an established American policy; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California hereby endorse and recommend that such an American policy be promulgated by the congress of the United States; and be it further

Resolved, That our senators and representatives in congress be and they hereby are requested to take such steps as may

American
policy in
purchasing
relief
supplies.

be necessary to provide for such promulgation; and be it further

Resolved, That the clerk of the assembly be and he hereby is directed to forward copies of these resolutions to the president of the senate of the United States, the speaker of the house of representatives, and each of California's senators and representatives in congress.

CHAPTER 56.

Assembly Joint Resolution No. 6—Relative to enemy aliens.

[Filed with Secretary of State May 11, 1921.]

Denial of
naturaliza-
tion to
enemy
aliens.

WHEREAS, Many enemy aliens claimed and secured exemption from service during the recent war and continued in business while citizens and others were rendering valiant service to our country; and

WHEREAS, It is inimical to the best interests of the United States to permit these enemy aliens either to acquire citizenship or to receive the benefits and privileges of residing longer within our borders; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California hereby memorializes the congress of the United States to adopt appropriate legislation denying the privilege of naturalization to said enemy aliens, and providing for their deportation to the land of their birth; and be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to each of our senators and representatives in congress and to the secretary of the department of labor of the United States.

CHAPTER 57.

Assembly Joint Resolution No. 7—Relative to a direct primary for the selection of presidential candidates.

[Filed with Secretary of State May 11, 1921.]

Direct
primary for
selection of
presidential
candidates.

Be it resolved by the assembly and the senate, jointly, That the legislature of the State of California hereby memorializes the congress of the United States to enact a presidential primary act that will provide for the nomination of all party candidates on the same day in all the states; and be it further

Resolved, That California's senators and representatives in congress be and they are hereby requested and urged to use

their utmost endeavor to secure the enactment of such a measure; and be it further

Resolved, That a copy of these resolutions be forwarded by the chief clerk of the assembly to the president of the senate of the United States, the speaker of the house of representatives and to each of California's senators and representatives in congress.

CHAPTER 58.

Assembly Joint Resolution No. 10—Relative to the naval construction program of the United States.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, The congress of the United States has adopted a program for the establishment of an American navy capable of affording the greatest measure of protection to American commerce, American life, and American principles, and to maintain our national independence within our own control; and

U. S. naval
construction
program.

WHEREAS, They are now building under various stages of completion in the private and government shipbuilding yards of the United States by the authority of congress, eleven dreadnaughts, six double cruisers, ten scout cruisers, eleven miscellaneous ships, forty-five destroyers, and forty-seven submarines, the final completion of which will make the American navy second to none on earth; and

Resolved by the assembly and the senate, jointly, That the legislature of the State of California hereby urges upon the congress of the United States the necessity of continuing under its present program for naval construction and of strengthening the fortifications on the Pacific coast and that the clerk of the assembly and the secretary of the senate, respectively, be and they are hereby directed to send a copy of this resolution to the senators and representatives of California at Washington, D. C.

CHAPTER 59.

Assembly Joint Resolution No. 11—Relative to the use of airplanes in forest fire protection.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, The loss of timber through forest fires in California and other western states is detrimental to the public welfare and threatens the permanency of our principal manufacturing industry; and

Use of
airplanes
in forest
fire protection.

WHEREAS, The use of airplanes furnished by the war department for patrol of forested areas in California and Ore-

gon throughout the past season aided materially in the work of forest protection; and

WHEREAS, The air service has outlined a plan for air patrol of the forested areas in the states of California, Oregon, Washington, Idaho, Montana and western Wyoming; and

WHEREAS, The states above mentioned embrace some eighty million acres of government land and contain fully one-half of all the standing merchantable timber in the United States; now therefore be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California memorializes the representatives and senators from California to use their best endeavors to secure approval of the recommendations of the air service for patrol of our forests by airplanes during the fire season of 1921, and also to provide the federal forest service with necessary funds to enable proper cooperation with the air service in order that the maximum benefit be secured through such patrol; and be it further

Resolved, That the chief clerk of the assembly be and he is hereby directed to forward copies of this resolution to the president of the senate of the United States and the speaker of the house of representatives, and to each of California's senators and representatives in congress.

CHAPTER 60.

Assembly Joint Resolution No. 17—Relative to the compensation of counties containing land in national forest reserves exempt from local taxation.

[Filed with Secretary of State May 11, 1921.]

Compensation of counties containing national forests.

WHEREAS, By national law and under national regulations many thousand acres of land in California have been placed in national forests; and

WHEREAS, The counties in which such lands are situated derive no revenue therefrom in the form of taxation, yet give the same fire, police and health protection; and

WHEREAS, These national forests are set apart for the use and enjoyment of all of the people of the United States; therefore, be it

Resolved by the assembly and senate, jointly, That it is just and equitable that the national government recompense the counties in which such lands are situated by reason of the inability of these counties to secure revenue therefrom in the form of taxation; and be it further

Resolved, That the senators and representatives from California in congress be memorialized to use their influence to secure the enactment of such national laws as will secure to

the counties affected just compensation in this matter; and be it further

Resolved, That the clerk of the assembly be and he hereby is directed to forward copies of these resolutions to the secretary of agriculture of the United States, and to each member of the congress of the United States, from the State of California.

CHAPTER 61.

Assembly Joint Resolution No. 24—Relative to needy Indians within the State of California.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, There are within the borders of the State of California approximately twenty thousand Indians on land of little or no value, of whom at least four thousand are without any land or homes, and furthermore, there are about four thousand Indian children of school age of whom two thousand five hundred are without adequate or any school facilities, and a considerable number of the Indian population are without necessary food, shelter and medical attendance; and

Relief of
needy
Indians.

WHEREAS, The national government through a duly authorized commission in the years one thousand eight hundred fifty-one and one thousand eight hundred fifty-two negotiated eighteen separate treaties with the Indians of this state, and secured the signatures of four hundred one Indian chiefs and headmen to said treaties, agreed to reserve for them in perpetuity about seven million five hundred thousand acres of land and to pay said Indians approximately one million eight hundred thousand dollars in sundry goods for the other lands they agreed to cede to the United States and to provide them with sufficient educational and agricultural instruction, and the facilities necessary therefor; and

WHEREAS, The national government has so signally failed to keep faith with these defenseless people, as provided for in said treaties or to compensate them for any of their rights in land or to provide for them educationally or otherwise, in accordance with its policy adhered to everywhere else; and

WHEREAS, The massing of these Indians in thinly populated districts makes provision for them at the expense of their white neighbors, under the prevalent school and pauper laws of the state an unfair, inequitable and intolerable burden; and

WHEREAS, It has been the general policy of the national government to assume the care and education of the Indians, yet it has not always been practicable or for the best interests of the Indians themselves to remove them to reservations; and

WHEREAS, The general policy of the state and national cooperation as outlined by the Indian Board of Cooperation

of California (Incorporated) has already been approved by the state legislature and by congressional and administrative acts; now, therefore, be it

Resolved by the assembly and senate of the State of California, jointly, That our representatives in congress be and are hereby memorialized to attempt to secure provision in the Indian appropriation bill (1) for the purchase of adequate and permanent allotments with necessary improvements for homeless Indians; (2) for providing school buildings and equipment for Indians in public school districts where the Indian population and the necessities warrant it; and (3) for cooperation with county officials in securing proper care for sick and destitute Indians, until the necessity therefor no longer exists; and be it further

Resolved, That our representatives in congress be, and are hereby, urged to put forth their best efforts to secure the enactment by congress of a bill conferring jurisdiction upon the court of claims of the United States to hear and to adjudicate all claims, both legal and equitable, which the several tribes or bands of Indians of California may have against the United States government for lands taken from them without compensation therefor; and be it further

Resolved, That the governor of the State of California, upon the passage of this resolution, shall forward a copy thereof to each of our representatives in congress, to the chairman of the committee on Indian affairs of the senate and to the chairman of the committee on Indian affairs of the house of representatives, to the commissioner of Indian affairs and to the secretary of the interior.

CHAPTER 62.

Assembly Joint Resolution No. 28—Relating to the uniform regulation of divorce within the United States of America.

[Filed with Secretary of State May 11, 1921.]

Uniform
regulation
of divorce.

WHEREAS, The increasing number of divorces throughout our nation is the cause of great alarm to those who recognize the value of sustained family relations to the nation; and

WHEREAS, The problem has become a national one and should be regulated by the formulation of uniform laws throughout the nation regulating the causes for and manner of granting divorces; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California hereby memorializes the president of the United States to call a conference of representatives of the states to discuss this problem and formulate recommendations concerning the manner in which the situation may be met and solved; and be it further

Resolved, That a copy of this resolution be sent by the chief clerk of the assembly to the president of the United States and to the governors of each of the United States.

CHAPTER 63.

Assembly Joint Resolution No. 29—Relative to the disposition to be made of the tolls collected from automobiles entering the Yosemite national park.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, Under the present regulations five dollars is collected from each automobile entering the Yosemite national park, and the same is collected by the superintendent of the Yosemite national park and by him sent to Washington to be placed in the general appropriation fund; and

Use of
Yosemite
national
park tolls
for road
work.

WHEREAS, The roads in the Yosemite national park leading to the Yosemite valley and the Mariposa big trees are at times in very bad condition; therefore, be it

Resolved by the assembly and the senate, jointly, That our senators and representatives in congress be requested to use every possible effort to have this regulation changed so that the five dollars collected from each automobile entering the Yosemite national park shall be placed in a fund to be expended exclusively for repairs and upkeep of all roads in the park leading to the Yosemite valley and big trees; be it further

Resolved, That the chief clerk of the assembly is hereby instructed immediately on the adoption of this resolution to forward to each senator and representative in congress now assembled in Washington, five copies each of this resolution.

CHAPTER 64.

Assembly Joint Resolution No. 30—Relative to the adoption of the metric system by the congress of the United States as the legal standards of weights and measures after a transition period of ten years, as proposed in bills now before congress.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, There is in the United States a deplorable lack of uniformity in weights and measures, and the units used are unscientific, cumbersome, and unrelated, constituting an actual hindrance to education, industry, world trade, and the activities of daily life; and

Adoption
of metric
system
by U. S.

WHEREAS, The metric system of weights and measures is a decimal system, simple, logical, and easy to use, so that its adoption will result in an incalculable saving in time and energy; and

WHEREAS, The metric system has been adopted by the vast majority of enlightened nations, and its adoption by the

United States is calculated to promote friendly relations and commerce with all the world; and

WHEREAS, The State of California, by reason of its great commercial and industrial activities, is vitally interested, both as a state and in behalf of its citizens, in the speedy adoption of world-wide uniform standards of weights and measures; now, therefore, be it

Resolved, That the assembly of the State of California respectfully urges that the units of the metric system be adopted by the congress of the United States as the legal standards of weights and measures after a transition period of ten years, as proposed in bills now before congress; and be it further

Resolved, That copies hereof be forwarded to the president of the United States of America and to the senators and representatives of the State of California in the congress of the United States.

CHAPTER 65.

Assembly Joint Resolution No. 31—Relative to revision of the federal transportation act of 1920 to establish a just and equitable rule of rate making.

[Filed with Secretary of State May 11, 1921.]

Revision
of federal
transporta-
tion act.

WHEREAS, By section four hundred twenty-two of the transportation act, 1920, amending the interstate commerce act by adding section fifteen a thereto, the congress of the United States prescribed a rule of rate making whereby the interstate commerce commission shall fix rates so that carriers as a whole will under honest, efficient and economical management and reasonable expenditures for maintenance of ways, structures and equipment earn an aggregate annual net railway operating income of six per cent upon the aggregate value of railway property held for and used in the service of transportation; and

WHEREAS, Said transportation act as now framed applies to and assures a six per cent income return to all railway properties, regardless of whether or not said property was reasonably acquired for, or properly applied to, transportation uses; and

WHEREAS, Such rule of rate making in effect guarantees to carriers annual net earnings and removes the incentive for efficiencies in operation and economy in expenditures; and

WHEREAS, Such rule of rate making imposes upon shippers and the public an excessive transportation burden making it impossible for producers to market their products and destroying the value of producing properties especially agricultural and horticultural lands and has in its operation wholly failed to accomplish any beneficial results for the carriers but on

the contrary has been detrimental to the interests of producers and the public at large; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California at its forty-fourth session petitions the congress of the United States to reconsider the transportation act of 1920, and urges congress to eliminate the objectionable features herein pointed out, and to grant a rate structure that will not place a false earning power on a large fictitious railroad capital, the payment of which is stifling to industries of the Pacific coast; and be it further

Resolved, That a copy of this joint resolution be sent to the president of the United States, to the interstate commerce commission, to the members of the committee on interstate commerce of the senate, and to the members of the committee of interstate and foreign commerce of the house of representatives, to the governors of each of the western states, and to each member of the senate and house of representatives of the United States from the State of California.

CHAPTER 66.

Assembly Joint Resolution No. 32—Relative to an investigation by the department of justice.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, Peonage in any form is abhorrent to the principles and practice of civilized nations and is prohibited by the constitution of the United States and various federal enactments adopted pursuant thereto; and Investigation of peonage.

WHEREAS, From various communities from time to time there comes reports that these prohibitions are being circumvented and avoided by indirection and subterfuge; and

WHEREAS, In the period of readjustment following the world war as a reaction thereto there is a perceptible lessening of the morals of the people which has tended to allow unscrupulous persons to take advantage of the ignorant and uninformed; and

WHEREAS, It will tend to awaken the people to certain conditions that exist if the department of justice of the United States would at this time undertake an inquiry into the entire question as it affects the United States; now, therefore, be it

Resolved by the assembly and the senate, jointly, That the attention of the president of the United States be in this manner directed to the question of peonage and that he be respectfully requested hereby to call upon the department of justice for such an investigation as the merits of the problem deserve; be it further

Resolved, That the chief clerk of the assembly be and hereby is directed to forward copies of these resolutions to the president of the United States.

CHAPTER 67.

Assembly Joint Resolution No. 33—Relative to the employment of aliens in federal establishments.

[Filed with Secretary of State May 11, 1921.]

Employment of aliens in federal establishments.

WHEREAS, Prior to the recent war with Germany, it has been the policy of the United States government to exclude all aliens from employment in federal establishments; and

WHEREAS, During the recent war with Germany, the congress of the United States amended certain sections of this act to the extent of the employment of allied aliens, or citizens of nations allied with the United States government in the recent war with Germany; and

WHEREAS, At the present time, there are a large number of aliens employed within our federal establishments and which positions may at this and future time be occupied by citizens of the United States and particularly ex-service men; and

Resolved by the assembly and senate, jointly, That the attention of the president of the United States be in this manner directed to request the congress of the United States for such investigation as the merits of this situation deserves.

Resolved, That the chief clerk of the assembly be and is hereby directed to forward copies of this resolution to the president of the United States.

CHAPTER 68.

Assembly Concurrent Resolution No. 4—Relative to the compilation of the laws of California.

[Filed with Secretary of State May 11, 1921.]

Compilation of laws of California.

WHEREAS, There appears to be need for the compilation of the laws of the State of California; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislative counsel be, and he hereby is instructed and directed to make a study of the methods used in the compilation of the laws of the other states, and present and submit to the legislature at the beginning of the forty-fifth session a report embodying an outline of the various methods used, together with his comments, suggestions and recommendations in regard to the applicability of these methods to a compilation of the laws of the State of California.

CHAPTER 69.

Assembly Concurrent Resolution No. 25—Relative to reports of the department encampment of the Grand Army of the Republic.

[Filed with Secretary of State May 11, 1921.]

Resolved by the assembly, the senate concurring, That there shall be printed as a public document five hundred copies of the fifty-fourth session of the department encampment of the Grand Army of the Republic for the year 1921 and of each succeeding department encampment, together with illustrations, copies of general orders of the department, two hundred fifty copies for the use of the assembly and two hundred fifty copies for the use of the senate. Annual cost not to exceed one thousand dollars.

Reports of
G. A. R.
depart-
ment
encamp-
ment.

CHAPTER 70.

Assembly Concurrent Resolution No. 27—Approving four certain amendments to the charter of the city of Napa, in the county of Napa, State of California, voted for and ratified by the qualified electors of said city of Napa at a special municipal election held therein on the twenty-eighth day of February, one thousand nine hundred twenty-one.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, The mayor and the city clerk of the city of Napa did, on the first day of March, one thousand nine hundred twenty-one, did duly certify to the submission to the electors of said city of Napa of four certain amendments proposed to the charter of the said city of Napa, and to the ratification thereof, by said electors, at said special municipal election, and did further certify to a copy of said proposed amendments, so submitted and ratified, authenticated by the official seal of said city of Napa, which said certificate is in words and figures following, to wit:

STATE OF CALIFORNIA }
COUNTY OF NAPA } S. S.
CITY OF NAPA. }

CERTIFICATE OF RATIFICATION OF FOUR PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF NAPA.

We, the undersigned, CHARLES E. TROWER, Mayor of the City of Napa, State of California, and H. H. THOMPSON, City Clerk of the City of Napa, State of California, do hereby certify as follows, to wit:

That the City of Napa, in the County of Napa, State of California, contains a population of more than 3,500 inhabitants and has, ever since the 26th., day of January, 1915, and is now organized and acting under a freeholders Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of the City of Napa at an election held for that purpose on the 16th., day of December, 1914, and approved by the Legislature of the State of California, on the 26th., day of January, 1915, and has never been amended.

That the City Council of the said City of Napa on the 27th., day of December, 1920, duly adopted Ordinance No. 606, proposing four certain amendments, hereinafter set forth, to the Charter of the said City of Napa, on its own motion, under the terms and provisions of Sections eight (8) and eight and a half (8½) of Article XI of the Constitution of the State of California, to be submitted for ratification and adoption to the qualified electors in said City of Napa, at a special municipal election to be held therein for that purpose, which said four amendments were in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NUMBER ONE.

That Section 65 of the Charter of the City of Napa be amended so as to read as follows:

SECTION 65. RECORDING ORDINANCES.

Every Ordinance, upon its final passage, shall be recorded in a book kept for the purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

Recording
ordinances.

PROPOSED CHARTER AMENDMENT NUMBER TWO.

That Section 68 of the Charter of the City of Napa be amended so as to read as follows:

SECTION 68. EXCEPTIONS TO GENERAL STREET LAWS.

No commissioners, secretaries, or attorneys, under the general law, in the matter of opening and extending, widening, straightening, or closing streets, lanes, alleys, courts, or places, or in the matter of the establishment or change of grade, nor any commissioners, secretaries, or attorneys, provided for by the general street law, shall be appointed, but all powers and duties imposed upon such commissioners, secretaries and attorneys, under the general street law, shall be performed by the City Attorney, the City Engineer, and the City Clerk, who shall exercise all the powers and perform all the duties prescribed by the general street law on commissioners, secretaries, and attorneys.

Exceptions
to general
street
laws.

Neither the City Attorney, the City Engineer, or the City Clerk shall receive any compensation for the performance of their duties under this section.

PROPOSED CHARTER AMENDMENT NUMBER THREE.

That section 87 of the Charter of the City of Napa be amended so as to read as follows:

SECTION 87. FISCAL YEAR.

The fiscal year of the City of Napa shall commence upon the first day of January of each year, or at such other time as may be fixed by ordinance. ^{Fiscal year.}

PROPOSED CHARTER AMENDMENT NUMBER FOUR.

That section 95 of the Charter of the City of Napa be amended so as to read as follows:

SECTION 95. LIMIT OF TAX LEVY.

The tax levy authorized by the City Council to meet the municipal expenses for each fiscal year shall not exceed, except as in this Charter otherwise provided, the rate of \$1.50 on each \$100.00 of the assessed value of all real and personal property within the City. ^{Limit of tax levy.}

The City Council in making the levy shall apportion not less than ten cents to the Library Fund, unless the estimate of the Board of Library Trustees calls for a less amount.

That said Ordinance No. 606, and said four proposed amendments to the said Charter of the City of Napa, aforesaid, were and each was published once, in the Napa Daily Journal, a newspaper of general circulation in the City of Napa, on the 29th., day of December, 1920, and that copies of such proposed amendments were printed in convenient pamphlet form, and a notice was published in the said Napa Daily Journal that said copies could be had upon application therefor at the office of the City Clerk of the City of Napa, said notice being published for the time prescribed by law, and copies of the said four proposed amendments aforesaid, in such convenient pamphlet form, were duly mailed by the City Clerk to each registered and qualified elector within the said City of Napa.

That the City Council of the said City of Napa on the 19th., day of January, 1921, duly adopted an Ordinance calling a special election to be held in the said City of Napa on the 28th., day of February, 1921, said day being not less than forty nor more than sixty days after the date of the publication of said proposed four amendments to said Charter of the City of Napa, for the purpose of submitting said proposed four amendments to said Charter of the said City of Napa to the electors of the said City of Napa for their ratification at said special municipal election aforesaid.

That at said special municipal election a majority of the qualified electors of the City of Napa voting on said proposed four amendments to the Charter of the City of Napa voted in favor of the ratification and did ratify each and all of the said four amendments aforesaid.

That the City Council of the said City of Napa, at a regular meeting, held at the time and in the manner required by law, duly canvassed the returns of said special municipal election, held as aforesaid, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of said four proposed amendments to said Charter of the City of Napa.

And we do further certify and declare that the copy of said proposed four Charter Amendments to the Charter of the City of Napa, hereinbefore set forth, is a full, true and correct copy of said four proposed Charter Amendments to the Charter of the City of Napa.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the City of Napa hereto, on this first day of March, A. D. 1921.

(SEAL)

CHAS. E. TROWER,
Mayor of the City of Napa.
H. H. THOMPSON,
City Clerk of the City of Napa.

And

WHEREAS, The said four proposed amendments to the said charter of the city of Napa, so ratified as hereinabove, in said certificate set forth, has been duly presented and submitted to the legislature of the State of California, for approval or rejection, without power of alteration or amendment, in accordance with section eight (8) of article eleven of the constitution of the State of California; now therefore, be it

Approval by
legislature.

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) That the said four proposed amendments to the said charter of the said city of Napa hereinbefore, in said certificate aforesaid, set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city of Napa, be and the same are hereby approved as a whole as and for amendments to the said charter of the said city of Napa.

CHAPTER 71.

Assembly Concurrent Resolution No. 30—Approving the charter of the city of Glendale, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-ninth day of March, one thousand nine hundred twenty-one.

[Filed with Secretary of State May 11, 1921.]

Glendale
city
charter.

WHEREAS, The city of Glendale, in the county of Los Angeles, State of California, is now and at all times herein referred was a city containing a population of more than

three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

WHEREAS, Said city of Glendale is now and at all times herein mentioned was a municipal corporation duly organized and existing under the general laws of the State of California as a city of the sixth class; and

WHEREAS, Proceedings have been duly had in and by the said city of Glendale for the preparation, proposal, adoption and ratification of a charter for the government of said city of Glendale, all as set out in the following certificate of the president of the board of trustees and the city clerk of said city of Glendale, to wit:

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES, } ss.
 CITY OF GLENDALE. }

We, the undersigned, Dwight W. Stephenson, President of the Board of Trustees of the City of Glendale, State of California, and J. C. Sherer, City Clerk of said City of Glendale, do hereby certify and declare as follows:

That the City of Glendale, in the County of Los Angeles, State of California, is now and at all times herein referred to was, a City containing a population of more than thirty-five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said City of Glendale is now, and at all times herein mentioned was, duly organized and existing under the general laws of the State of California as a city of the sixth class.

That pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Trustees of the City of Glendale, which was then and there the legislative body of said City, did by a two-thirds vote of all its members pass an ordinance calling a special election to be held on the 16th day of November, 1920, for choosing a board of fifteen freeholders to prepare and propose a Charter for the government of said City of Glendale and gave due notice of said election as required by law; that at said election held on said 16th day of November, 1920, a board of fifteen freeholders was chosen by the electors of said City to prepare and propose a Charter for the government of said City, the names of said freeholders so chosen being as follows:

Bert P. Woodard
 Jessie A. Russell
 A. W. Beach
 C. E. Kimlin
 R. M. McGee
 F. L. Muhleman
 May E. Myton
 W. R. Phelon

Mabel L. Tight
 F. H. Vesper
 G. B. Woodberry
 George H. Bentley
 C. W. Ingledue
 Henry Johnston
 C. D. Lushy

Glendale
city
charter.

That the returns of said election were canvassed and the result thereof declared by the Board of Trustees of the said City of Glendale on the 18th day of November, 1920.

That within one hundred and twenty days after the result of said election was declared said Board of Freeholders did prepare and propose a Charter for the government of said City of Glendale, which Charter was signed by all of the members of said Board of Freeholders and was filed in the office of the City Clerk of said City of Glendale on the 12th day of January, 1921; and that said Board of Freeholders did, before such filing, fix and designate on such charter the 29th day of March, 1921, as the date upon which said Charter should be submitted to the electors of the City of Glendale for their ratification. That thereupon said Board of Trustees of the City of Glendale, by ordinance, duly called and ordered the holding of a special election in said City of Glendale on the 29th day of March, 1921, and gave notice of the holding of said election as required by law, at which election there was submitted to the qualified electors of said City the question whether said proposed Charter prepared and filed by said Board of Freeholders should be ratified and adopted as the Charter for the government of the City of Glendale. That within fifteen days after the filing of said Charter said Board of Trustees caused the same to be published once, to-wit: upon the 21st day of January, 1921, in the Glendale Sentinel-Progress, which was then and there a newspaper of general circulation printed and published in said City and the official paper of said City; that said Board of Trustees caused copies of said proposed Charter to be printed in convenient pamphlet form and kept in the office of the City Clerk of said City, which printing was completed not later than fifteen days after the filing of said proposed Charter, and also, from the printing of said pamphlet copies of said Charter until the date fixed as aforesaid for the election upon such Charter, advertised a notice that such copies of said Charter could be had from the City Clerk upon application therefor, in the following newspapers of general circulation published in said City of Glendale, to-wit: in said Glendale Sentinel-Progress above mentioned, and in the Glendale Evening News and the Glendale Press.

That said election was duly and regularly held on the 29th day of March, 1921, and that at said election a majority of the qualified electors voting thereon voted in favor of such proposed Charter and for the ratification and adoption thereof.

That the Board of Trustees of said City of Glendale at a meeting thereof held as required by law, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of such proposed Charter and for the ratification and adoption thereof, and that the same was ratified by a majority of the qualified voters of the City of Glendale.

That said Charter so prepared, proposed, filed and ratified as herein set forth, together with the certificate and signatures of said Board of Freeholders attached thereto, are in words and figures as follows, to-wit:

CHARTER OF THE CITY OF GLENDALE, CALIFORNIA.

ARTICLE I.

SECTION 1. The territory of the City of Glendale shall be that contained within its present boundaries as now established with the power and authority to change the same in the manner provided by law. Boundaries.

ARTICLE II.

SECTION 1. The City of Glendale, as successor in interest of the municipal corporation of the same name, heretofore created and existing, shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed, or claimed, and shall be subject to all the debts, obligations, liabilities, dues and duties of said existing corporation. Successor to powers of existing municipal corporation.

ARTICLE III. POWERS OF CITY

SECTION 1. The City of Glendale, a municipal corporation, shall after the adoption of this charter, continue its existence as such municipal corporation, and under the corporate name, CITY OF GLENDALE, shall have, possess and exercise all powers and rights vested in said City of Glendale, under this charter and the Constitution of California and the laws of the state, and all powers which a municipal corporation may lawfully possess or exercise under the Constitution of this State. The City of Glendale shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the State; provided also, that where the general laws of the State provide a procedure for the carrying out and enforcement of any rights or powers belonging to the City, said procedure shall control and be followed unless a different procedure shall have been provided in this charter or by ordinance. Powers of city.

SECTION 2. Without in any way or to any extent limiting or curtailing the powers hereinbefore conferred or mentioned, and for the purpose of removing all doubt concerning the

Powers of
city.

exercise of powers hereinafter expressly mentioned, the City of Glendale shall have power:

1. To have and use a corporate seal;
2. To sue or be sued in all courts in all actions and proceedings;
3. To levy and collect taxes, and to levy and collect license taxes for both regulation and revenue;
4. To borrow money, incur municipal indebtedness, and issue bonds or other evidence of such indebtedness;
5. To acquire by purchase, bequest, devise, gift, condemnation or other manner sanctioned by law, within and without the limits of said City, property of every kind and nature for all purposes;
6. To acquire by said means, and to establish, maintain, equip, own and operate, either within or outside of the City, telephone and telegraph systems, street railways, or other means of transportation, warehouses, free markets, waterworks, filtration plants, gas works, electric light, heat and power works, underground or overhead conduit systems or any other works necessary to a public utility; and to join with any other city or cities or county in the acquisition, construction and maintenance of same;
7. To improve the streams and channels flowing through the City or adjoining the same, to widen, straighten and deepen the channels thereof, and remove obstructions therefrom, to construct and maintain embankments and other works to protect the City from overflow and storm waters;
8. To furnish the City or its inhabitants or persons without the City, any public utility service or commodity whatsoever;
9. To lease, sell, convey and dispose of any and all property herein mentioned for the common benefit;
10. To acquire, construct, operate and maintain parks, playgrounds, markets, baths, public halls, auditoriums, libraries, museums, art galleries, gymnasiums and any and all buildings, establishments, institutions and places whether situated inside or outside of the City limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education, care of the indigent or welfare of the inhabitants of the City or for their amusement, recreation, entertainment, or benefit;
11. To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste, to construct, own, maintain and operate incinerating or garbage reduction plants, and to join with any other city or cities or county in the acquisition, construction and maintenance of any such works or plant;
12. To define and abate nuisances;
13. To provide for the care of the indigent;
14. To establish boulevards and regulate traffic thereon;
15. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires;

16. To grant permits to use the streets or public property, revocable at any time without notice;

17. To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit, or license heretofore or hereafter granted by the City, or other authority, provided, that the same is not inconsistent with the Constitution of the State of California;

18. To receive devises, bequests, gifts and donations of all kinds of property, in fee simple, or in trust, for charitable or other purposes and to do all acts necessary to carry out the purposes of such devises, bequests, gifts and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the devise, bequest, gift or donation or absolutely in case such devise, bequest or trust be unconditional;

19. To regulate and limit the height and bulk of buildings hereafter erected, and to regulate and determine the area of yards, courts and other open spaces and for said purposes to divide the City into districts. Such regulations shall be uniform for each class of buildings throughout any district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers, and to promote the public health and welfare, including, so far as conditions may permit, provisions for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of the buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations may promote the public health, safety and welfare;

20. To regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, and for said purposes to divide the City into districts and to specify for each such district the trades and industries which shall be excluded or subjected to special regulations and the uses for which buildings may not be erected or altered. Such regulations shall be designed to promote the public health, safety and welfare and shall be made with reasonable consideration; among other things, to the character of the district and to its peculiar suitability for particular uses.

ARTICLE IV. OFFICERS, DEPUTIES AND EMPLOYEES AND THEIR COMPENSATION.

SECTION 1. The officers of the City of Glendale shall be five members of the Council, five members of the Board of Education, five Library Trustees, a City Assessor, a City Tax Collector, a City Manager, a City Comptroller, a City Clerk, a City Treasurer, a City Attorney, a City Engineer, a Street Superintendent, a Superintendent of Buildings, a Police Judge, a Chief of Police, a Fire Chief, and a Health Officer. The Council may also provide by ordinance for additional

Officers
and
employees.

offices and for the duties thereof, and for additional duties of offices herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this charter. The Council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks, and employes in the several offices and departments as they deem necessary. The members of the Council, the members of the Board of Education, the City Treasurer and the City Clerk shall be elected from the city at large, as provided in this charter; provided, however, that all qualified electors of the Glendale City School District shall also have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks and employes shall be appointed as provided in this charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employes, is vested in the Council, the Board of Library Trustees, or any Commission, such appointment and any removal must be made by a three-fifths vote of the members of the appointing power.

SECTION 2. All elective officers of the city shall be subject to recall as provided in this charter.

SECTION 3. The members of the Council shall each be paid \$10.00 for each meeting of the Council attended, but not exceeding six meetings in each month. The Library Trustees and the Board of Education, shall serve without compensation. All other officers, assistants, deputies, clerks and employes shall receive such compensation as the Council may from time to time determine by ordinance.

ARTICLE V. ELECTIONS.

Elections.

SECTION 1. A municipal election shall be held in the City of Glendale on the last Tuesday in June of the year 1921, and on the second Tuesday in April of the year 1923, and on the second Tuesday in April of every second year thereafter, and the same shall be known as the general municipal election. All other municipal elections that may be held by authority of this charter, or of the general law, shall be known as special municipal elections.

SECTION 2: CALLING THE ELECTIONS: The Council shall by ordinance order the holding of all elections. Such ordinance shall establish precincts for the holding of each election, either by adopting or consolidating precincts established for holding general elections or by setting forth their boundaries, and shall specify the objects and time for holding such elections, and the number and the names of the officers of election and the polling place for each voting precinct. The number of election officers at each precinct shall not exceed six, at least three of whom shall be present at all times during the election. Said ordinance shall be published once a week in the official

newspaper for two weeks before the time appointed for holding the election, and no other notice thereof need be given. Filing
the
returns.

SECTION 3. FILING THE RETURNS: The returns of each election precinct shall be filed with the Clerk, and no person shall be permitted access to them until canvassed by the Council. The Council may canvass the returns at their next regular meeting held after all returns have been received by the Clerk, or at any special meeting held for that purpose. After having been canvassed the returns shall be sealed up by the Clerk for six months and no person shall have access to them except on order of a court of competent jurisdiction.

SECTION 4. NOTIFYING THE SUCCESSFUL CANDIDATES: After the result of an election is declared, the Clerk, under his hand and official seal, shall issue a certificate thereof and deliver the same personally or by mail to the person elected.

SECTION 5. PROVISIONS OF STATE LAW TO APPLY: The Council may, by ordinance, make further provisions as to the manner of holding and conducting elections. The provisions of the laws of the State of California relating to the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars in respect to the management of general State elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter, or by such ordinance; provided, that no primary elections shall be held.

SECTION 6. TERMS OF ELECTIVE OFFICERS: Elective officers shall hold office for a period of four years from and after 8 o'clock p. m. of the third Monday of April following the day of election, and until their successors are elected and qualified; provided, that the Clerk and Treasurer elected and the three members of the Council and the three members of the Board of Education receiving the highest number of votes for said offices respectively, at the first general municipal election held under this charter, shall serve from 8 o'clock p. m. of July 5th, 1921, until 8 o'clock p. m. of the third Monday of April, 1925, and until their successors are elected and qualified, and the other two members of the Council and the other two members of the Board of Education elected at said first election shall serve from 8 o'clock p. m. of July 5th, 1921, until 8 o'clock p. m. of the third Monday of April, 1923, and until their successors are elected and qualified; and provided further, that any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen and members of the Board of Education, where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nominating or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person or persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be. Terms of
officers.

ARTICLE VI. LEGISLATIVE. THE COUNCIL: POWERS AND DUTIES

Council.

SECTION 1. The legislative power of the City of Glendale shall be vested in the people through the initiative and referendum, and in a body to be designated The Council. Each candidate for member of the Council shall have been an elector of the city for at least one year next preceding the date of the election at which he is a candidate.

SECTION 2. MEETINGS: The Council shall meet in regular session on the first Monday following their election at 8 p. m., except that the first Council elected hereunder shall meet at 8 p. m. on July 5th, 1921, and shall organize as herein required. Thereafter, the Council shall meet at least once each week at such time as has been or may be determined by ordinance. All of the meetings of the Council shall be held in the City Hall, unless, by reason of fire, flood or other disaster, said City Hall cannot be used for that purpose, and all meetings shall be open to the public. A special meeting may be called by the Mayor, or by any three members. Written notice of each special meeting must be given not less than three hours before such meeting, to each member not joining in the call, who is in the County of Los Angeles. A copy of the call for a special meeting and of the notice thereof, together with a record of the time and place of the service of said notice upon the member or members not joining in the call, shall be entered upon the minutes of the Council and shall be conclusive as to the calling of said special meeting and the service of the notice thereof.

SECTION 3. QUORUM: Three members of the Council shall constitute a quorum, but a less number may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made, or payment of money ordered unless three members of the Council concur in such action.

Powers.

SECTION 4. GENERAL POWERS OF THE COUNCIL: Subject to the provisions and restrictions in this charter contained, and the valid delegation by this charter of any powers to any person, officer, board or committee, which delegation of power, if any, shall control, the Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the State or which now or hereafter it would be competent for this charter specifically to enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers.

SECTION 5. CERTAIN POWERS AND DUTIES ENUMERATED: The Council shall:

1. Judge of the qualifications of its members and of all election returns;

2. Establish rules for its proceedings;

3. Cause a correct record of its proceedings to be kept. The ayes and noes shall on demand of any member, be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any officer, or authorizing the execution of contracts, or the appropriation or payment of money;

4. Choose one of its members as presiding officer, to be called Mayor. The Mayor shall preside over the sessions of the Council, shall sign official documents when the signature of the Council or Mayor is required by law, and he shall act as the official head of the city on public and ceremonial occasions. He shall have power to administer oaths and affirmations. When the Mayor is absent from any meeting of the Council, the members of the Council may choose another member to act as Mayor pro tem, and he shall for the time being, have the powers of the Mayor;

5. Appoint a City Assessor, which office may be combined with that of City Clerk, a City Tax Collector, a Police Judge, a City Attorney, a City Manager, and five Library Trustees.

6. Exercise general supervision and direction over all persons, firms, companies and corporations owning, controlling or operating public utilities, in so far as any of them are subject to municipal control. This provision is subject to other charter provisions relative to such public utilities as now are or may hereafter be owned by the City.

SECTION 6. ORDINANCES: The enacting clause of every Ordinance. ordinance passed by the Council shall be: "Be it ordained by the Council of the City of Glendale." The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the people of the City of Glendale." At least five days must elapse between the introduction and the final passage of any ordinance; provided, that amendments germane to the subject of any proposed ordinance may be made when it is brought up for final passage; and provided further, that in case of an extraordinary epidemic or any disaster, such as flood, fire or earthquake, requiring immediate action on the part of any public authorities, an emergency ordinance may be introduced and passed at either a regular or special meeting without any intervention of time between introduction and final passage. A final vote on any ordinance or any vote on any appropriation must be taken only at a regular or adjourned regular meeting. Every ordinance must be signed by the Mayor, attested by the Clerk and published once in the official newspaper. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor.

SECTION 7. WHEN ORDINANCES GO INTO EFFECT: Except as herein provided, no penal ordinances, or measure passed by the Council granting any franchise or privilege, shall go into effect in less than thirty days after its final passage.

But ordinances declared by the Council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, containing a statement of the reasons for their urgency and passed by a four-fifths vote of the whole Council, ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the Council.

SECTION 8. AMENDING ORDINANCES: No ordinance shall be amended by reference to its title, but the sections thereof to be amended, shall be re-enacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void.

Contracts.

SECTION 9. CONTRACTS: In the erection, improvement and repair of all public buildings and works, in all street and sewer work, the installation of pipes, fire hydrants, wells, pumping plants, conduits, electric transmission lines, substations, power plants, gas mains and generators, improvement and development of parks and playgrounds, and works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of one thousand dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions, the first of which will be at least ten days before the time for opening bids; provided, that the Council may reject any and all bids presented and may re-advertise in their discretion; and provided further, that after rejecting bids, or if no bids are received, the Council may declare and determine that in its opinion the work in question may be performed better or more economically by day labor, or the materials or supplies purchased at a lower price in the open market and after the adoption of a resolution to this effect by a four-fifths vote, they may proceed to have the said work done or materials or supplies purchased without further observance of the foregoing provisions of this section; provided further, that nothing in this section shall require the care, repair or maintenance of streets or public utilities to be let by contract.

SECTION 10. POWER TO DO PUBLIC WORK DIRECT: The Council shall have power to provide by ordinance a complete procedure whereby the City may bid on all public work done under the provisions of any local improvement ordinance or resolution. Said ordinance shall provide the procedure whereby the City shall perform such public work for which the City may be the lowest bidder. A revolving fund may be created by bond issue for the purpose of financing the cost of such public work.

Advertising.

SECTION 11. ADVERTISING: All official advertising of the City shall be done in a newspaper of general circulation as defined by the laws of the State of California, which news-

paper shall be published in the City of Glendale, and shall be designated by the Council as the official newspaper. The Council shall annually call for bids for such advertising, and a contract therefor shall be awarded to the lowest responsible bidder; provided, that the Council may reject all bids and may again call for bids; and provided further, that no defect or irregularity in proceedings taken under this section, or failure of the Council to designate an official newspaper, shall invalidate any publication, where the same is otherwise in conformity to law or this charter.

SECTION 12. COUNCILMEN INELIGIBLE TO OTHER CITY POSITIONS: No member of the Council shall be eligible to any office or employment, except an elective office, during the term for which he was elected.

SECTION 13. VACANCIES IN THE COUNCIL: Any member of the Council who is absent from all meetings thereof for two consecutive months, unless excused by the Council, shall forfeit his seat. Any vacancy occurring in the Council shall be filled by a person appointed by a majority vote of the whole Council. Said person so appointed shall serve until his successor is elected and qualified. Such successor shall be elected at the next regular election at which members of the Council are chosen; provided, there is sufficient time to nominate and elect such successor at said next regular election. Vacancies
in council.

SECTION 14. COMMITTEES OF COUNCIL: The Council shall appoint such standing and other committees as it deems necessary.

SECTION 15. SALE OR LEASE OF CITY PROPERTY: No sale of real estate shall be authorized by the Council except by ordinance passed by the affirmative vote of four-fifths of all the members and no lease shall be made for a period of longer than five years, except by ordinance adopted by the Council. Sale or
lease of
city
property.

SECTION 16. EXPERT ACCOUNTANT: At least once each year the Council shall employ an expert accountant who shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury, and render a report of his investigations to the Council. Expert
accountant.

SECTION 17. OFFICIAL BONDS: The Council shall, by ordinance, determine what officers and other persons in the service of the City shall give bonds for the faithful performance of their duties, and shall fix the amounts of such bonds and each of such officers and other persons shall, before entering upon the duties of his office or employment, execute a bond to the City in the penal sum provided by such ordinance, including in the same bond the duties of all offices of which he is made by this charter, or otherwise, ex-officio incumbent. Such bonds must be examined and approved by the Council. All bonds when approved shall be filed with the City Clerk, except the City Clerk's bond, if any, which shall be filed with the Treasurer. All the provisions of any law of Official
bonds.

this State relating to the official bonds of officers as then existing shall apply to such bonds, except as herein otherwise provided. In all cases where Surety Company bonds are approved by the Council, the premium therefor shall be paid by the City.

SECTION 18. Every officer of the City, before entering upon duties of his office, shall take and file with the City Clerk the constitutional oath of office, except that the oath of the City Clerk shall be filed with the City Treasurer.

City
clerk.

SECTION 19. CITY CLERK: The City Clerk shall keep, under the direction of the Council, a full and true record in a book of all proceedings of the Council and of the Board of Equalization. He shall keep a book, marked "Ordinances," in which he shall copy all ordinances, with his certificate annexed to said copy, stating that it is a full and true record thereof, and that such ordinance has been duly published. Said record copy, with such certificate shall be prima facie evidence of the contents of such ordinance and of the passage and publication thereof. The Clerk shall also keep an index to the minutes of the Council and to said Ordinance Book. The City Clerk shall be the custodian of the City Seal and shall affix the same to all official certificates made by him and to other papers when directed by the Council to attest or execute the same. He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this charter or by ordinance.

ARTICLE VII. POLICE COURT.

Police
court.

SECTION 1. POLICE COURT: The judicial power of the city shall be vested in a Police Court, which court is hereby established. The Police Judge shall hold said Police Court and said court shall have jurisdiction concurrently with the Justice's Courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such Justice's Court. Said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of the City; of all actions founded upon any obligation or liability created by any ordinance; and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said Police Court shall be the same as are or may be prescribed by law for Justice's Courts in like cases. Appeals may be taken to the Superior Court of the County in which the City of Glendale is located, from all judgments of said Police Court, in like manner and with like effect as in cases of appeals from Justice's Courts.

SECTION 2. The Police Judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations.

SECTION 3. In all cases in which the Police Judge is a party, or in which he is interested or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the Police Judge may call upon any Justice of the Peace, residing in the County, to act in his stead.

SECTION 4. The City Council may appoint the Justice of the Peace of the township in which the City of Glendale is located, as Police Judge. The Police Judge shall have been a qualified elector of the City of Glendale for at least two years next before the time of his appointment.

SECTION 5. All actions and proceedings pending and undetermined in the Recorder's Court of the City of Glendale at the time this charter takes effect, shall be proceeded with, heard and tried and determined in the Police Court hereby provided for, in the same manner as if such actions or proceedings had been originally commenced in said Police Court.

ARTICLE VIII. CITY ATTORNEY.

SECTION 1. The City Attorney shall have been a qualified elector of the City for at least two years at the time of his appointment, and shall be an attorney and counselor-at-law, duly admitted to practice law in the State of California. He shall have been actually engaged in the practice of his profession in this State for a period of at least four years next before his appointment. City attorney.

SECTION 2. It shall be his duty when directed by the Council to prosecute on behalf of the people, all criminal cases for violations of this charter and of City ordinances, and to attend to all suits and other matters to which the City is a party or in which the City may be legally interested. He shall be in attendance at every meeting of the Council, unless excused therefrom, by the Mayor or the Council. He shall give his advice or opinion in writing whenever required by the Council or other officers, or the Board of Education. He shall be the legal advisor of all City officers; he shall approve the forms of all bonds given to and all contracts made with the City: he shall, when required by the Council, or any member thereof, draft all proposed ordinances for the City, and amendments thereto; and shall do and perform all such things touching his office as the Council may require of him, and at the expiration of his term shall surrender to his successor all books, papers and documents pertaining to the City's business.

SECTION 3. He shall receive as compensation a salary to be fixed by ordinance, and unless the Council shall require him to devote all of his time to the duties of his office, he shall receive in addition thereto, such reasonable fees as the Council may allow for suits or proceedings before any court or commission in which he has been directed by the Council to act or appear.

SECTION 4. The Council shall have power to direct and control the prosecution and defense of all suits and proceedings to which the city is a party or in which it is interested, and may employ counsel to assist the City Attorney therein.

ARTICLE IX. CITY MANAGER.

City
manager.

SECTION 1. The City Manager need not be a resident of the State of California at the time of his appointment. His powers and duties shall be:

1. To see that all ordinances of the City are enforced;
2. To appoint, except as otherwise provided in this charter, all officers, heads of departments or divisions, and all deputies, assistants and employees in the several departments and offices, and to remove same. Such appointment and removal shall be subject to the approval of the Council and shall not be effective without such approval;
3. To keep the Council fully informed as to compliance with the law in the operation of public utilities, to see that the provisions of franchises, permits and privileges granted by the City are fully observed, and to report to the Council any violation thereof;
4. To attend all meetings of the Council unless excused therefrom by the Council or by the Mayor;
5. To act as purchasing agent for all departments of the City except those of Public Library and education; and in those departments he shall assist in making purchases when requested to do so by the respective boards in control thereof; provided, however, that he may designate some officer or employee of the City to act as assistant purchasing agent, and perform the duties of the purchasing agent;
6. To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of the city government, except of the Council and of the Board of Education;
7. To keep the Council advised as to the needs of the City;
8. To appoint and remove at his pleasure, a secretary;
9. To prepare, or cause to be prepared, plans and specifications for work which the Council may order, coming under his supervision;
10. To have control, subject to such ordinances as may from time to time be adopted, of all public utilities owned and operated by the City;
11. To devote his entire time to the discharge of his official duties;
12. To perform such other duties as may be required by this charter or as the Council may require of him.

SECTION 2. In case of the absence, sickness or other disability of the City Manager to act, the Council may designate some other officer of the city to perform his duties during such disability.

SECTION 3. PURCHASES: All purchases of material and supplies made by any department or officer of the City of Glen-

dale, except the Public Library and the Board of Education, shall be by requisition signed by the City Manager.

ARTICLE X. DEPARTMENTS OF GOVERNMENT.

SECTION 1. For the purpose of organization and administration of the business of the City of Glendale, there are hereby created the following departments, to-wit: the department of general government, the public welfare department, the public safety department, the public works department and the public service department. Departments of government.

SECTION 2. THE DEPARTMENT OF GENERAL GOVERNMENT shall have charge of the following divisions of city government: Elections, Legislation and Records, Judicial, Legal, Treasurer, General Administration, which shall include purchasing, assessing, tax and license collection, Finance and Accounting, Advertising and Promotion.

SECTION 3. THE PUBLIC WELFARE DEPARTMENT shall have charge of the following divisions of City government: Conservation and Preservation of Health, Promotion of Cleanliness, Collection and Disposal of Refuse and Waste Material, Charity and Welfare, Playgrounds, Entertainments, Forestry and Parks.

SECTION 4. THE PUBLIC SAFETY DEPARTMENT shall have charge of the Divisions of Police and Fire Protection.

SECTION 5. THE PUBLIC WORKS DEPARTMENT shall have charge of: General Engineering, Flood Control, Street Construction, Assessments, Street Maintenance, Building Inspection and care of Public Buildings.

SECTION 6. THE PUBLIC SERVICE DEPARTMENT shall have charge of the construction, maintenance and operation of all public utilities owned or operated by the City.

SECTION 7. Except as otherwise provided in this charter, or by authority thereof, the City Manager shall be executive head of the division of general administration and of the department of public welfare, public safety, public works and public service.

ARTICLE XI. FISCAL ADMINISTRATION.

SECTION 1. CONTROLLER. The Controller shall be the general accountant of the City. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to accounts and contracts of the City, its disbursements, revenues and other financial affairs. He shall keep an account of all moneys paid into and out of the Treasury, and shall draw and sign all warrants on the Treasurer for payment of money out of the Treasury, except as otherwise provided in this charter or by general law. The City Clerk shall furnish the Controller with copies of all ordinances, resolutions and orders of the Council making appropriations or authorizing expenditures of money for any purpose. All orders for the purchase of goods, materials or Controller.

supplies, and all orders or contracts proposed to be entered into by the City by virtue of which any money shall or may become payable by the City, except contracts, the expense of which is to be paid by assessments upon properties benefited or affected thereby, shall before becoming effective, on behalf of the City, be presented to the Controller and have indorsed thereon his certificate that there remains unexpended and unapplied in the City Treasury as provided by this charter, a balance of the appropriation or fund applicable thereto sufficient to pay the estimated expense to be incurred during the then current fiscal year under said order or contract as estimated by the Board or officer making the same, or that adequate provision therefor has been made in the tax levy, or by other revenues to be received by the City as estimated in the budgets. It shall be the duty of the Controller to make such indorsement upon every such contract or order so presented to him if there remains unexpended and unapplied the said estimated amount in any appropriation fund or tax levy, or other estimated revenue applicable thereto, and thereafter he shall hold and retain the said amount to pay the expense to be incurred under said order or contract until the same is fully performed and expense paid.

Treasurer.

SECTION 2. TREASURER: The City Treasurer shall receive and safely keep and pay out as directed in this charter all moneys belonging to the City and all moneys received by or coming into the hands of any officer, board, department or employe of the City, and shall keep an exact account of receipts and disbursements.

Presenta-
tion of
demands.

SECTION 3. PRESENTATION OF DEMANDS: All demands against the City shall, before being paid, be presented to and approved by the proper Board, Commission or Officer, as herein provided. Demands against the library fund shall be presented to the Board of Library Trustees; demands against funds in the control of the Board of Education shall be presented to the Board of Education; demands for which no appropriation has been made shall be presented to the Council; and all other demands shall be presented to the City Manager; provided that any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the Council, and the approval of such demand by the Council shall have the same effect as its approval by the City Manager; and provided further, that if the Council shall provide for a Park, Playground and Recreation Center Commission, a Social Service Commission, or a City Planning Commission, it may make provision for the presentation to and approval by any such Commission of demands for liabilities incurred by it. The Council may provide for a revolving petty cash fund of not more than One Hundred (\$100.00) Dollars, to be paid to the City Manager and used by him for payment in cash, of expenditures provided for in the budgets that cannot con-

veniently be paid otherwise. He shall account to the Council for all payments by him out of said fund when making demand for the replenishment of the same, and at such other times as the Council may require, and they shall thereupon be charged against the proper appropriations.

SECTION 4. WARRANTS ON TREASURY: All demands approved by the proper board, commission or officer shall be presented to the City Controller, who shall examine the same; and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw and sign his warrant on the Treasurer therefor, payable out of the proper fund. Objections of the Controller to any demand may be overruled by the Council, and the Controller shall thereupon draw his warrant as directed by the Council. Such warrants, when presented to the Treasurer, shall be paid by him out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor. The Controller shall draw his warrants for payment of municipal or other bonds payable out of funds in the Treasury upon presentation and surrender of the proper bonds or coupons, without approval of any body or officer. The Council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the City.

Warrants
on
treasury.

SECTION 5. ACTIONS AGAINST CITY: No payment shall be made from the Treasury of the City, except as otherwise provided by law or this charter, except on demands presented and approved and warrants drawn as herein or by ordinance provided. No action shall be brought on any claim or demand for money or damages against the City or any Board, Commission or Officer thereof, until a demand for the same has been presented as provided in this charter or by ordinance and rejected in whole or in part. If rejected in part, action may be brought to recover the whole. Nor shall any action be brought upon any such demand that has been approved in whole, as herein or by ordinance provided, but nothing herein contained shall prevent the holder of any demand from resorting to proceedings to compel any officer, board, or commission to act upon a demand or to pay a demand that has been properly allowed.

Actions
against
city.

SECTION 6. ESTIMATE AND BUDGETS: The fiscal year of the City shall begin on the first day of July. On or before the first day of June of each year, the City Manager shall submit to the Council a proposed budget for the Public Service Department and a proposed budget for all other departments to be known as the general budget. Said budgets shall include estimates of the revenues and expenditures of the City departments for the ensuing year. These estimates

Estimate
and
budgets.

shall be compiled from detailed information obtained from the several departments on blanks to be furnished by the City Manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information:

1. A detailed estimate of the expenses of each department;
2. Expenditures for corresponding items for the last and for the current fiscal years, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year;
3. Such information as may be required by the Council or as the Manager may deem advisable to submit;
4. The recommendation of the Manager as to the amounts to be appropriated, with reasons therefor, in such detail as the Council may direct. Sufficient copies of such proposed budgets shall be prepared and submitted, that there may be copies on file in the office of the Clerk for the inspection by the public and one copy of each budget furnished each member of the Council. The Council shall have power to revise, correct or modify said proposed budgets in any particular.

Appropriations.

SECTION 7. APPROPRIATIONS: After considering said proposed budgets, the Council shall fix a time for holding a public hearing upon the same and shall publish a notice of the time fixed for said hearing once in the official newspaper at least ten days before the time for the hearing. After said hearing the Council may further correct or modify said proposed budget and shall by resolution, adopt a Public Service budget and a general budget. Such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budgets so adopted.

Transfer of appropriations.

SECTION 8. TRANSFER OF APPROPRIATIONS: At any meeting after the adoption of the budget or budgets, the Council, by a vote of three members may amend or supplement such budget or budgets, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

Taxation.

SECTION 9. TAXATION: The Council shall have power by ordinance, to provide a system for the assessment, levy, and collection of all City taxes, which system shall conform as nearly as may be to the general laws of this State, provided for the assessment, levy and collection of county taxes. All taxes levied, together with any penalties imposed for delinquency and the cost of collection, shall constitute liens on the property assessed and every tax upon personal property shall be a lien upon the real property of the owner thereof. The said liens shall attach as of the first Monday of March of each year. The Council may provide that the City Clerk shall be ex-officio assessor and that the City Treasurer or other officer selected by them, shall be ex-officio tax collector.

SECTION 10. The Council shall have power by ordinance to authorize the transfer to and the assumption and discharge by officers of the County of Los Angeles, of any function of the City relating to the assessment of property for taxation, the equalization of such assessment, the collection of taxes levied for municipal purposes, the collection of assessments levied for local improvements, the sale of property for non-payment of taxes levied for municipal purposes or for non-payment of assessments levied for local improvements, and the redemption of property from sales for either of said purposes, and may repeal any such ordinances.

Until the Council shall otherwise provide, the ordinance of said City of Glendale now in effect providing that the duties of assessing property and collecting taxes provided by law to be performed by the Assessor and the Tax Collector of the City of Glendale, shall be performed by the County Assessor and the County Tax Collector of the County of Los Angeles, shall remain in full force and effect. During the time that said present ordinance, or any other ordinance passed by the Council in pursuance of this section for the same purpose, shall be in effect, the mode and manner of assessing property for purposes of municipal taxation, the equalization of such assessments, the levying and collecting of taxes for municipal purposes, the nature of the lien therefor and the manner and method of enforcing the same and of the redemption of property sold for non-payment of taxes, and all proceedings relating to said matters, shall be substantially the same as may be provided by law for such matters in relation to County taxes of the County of Los Angeles, so far as applicable, unless the Council shall provide otherwise by ordinance.

During the time that the functions of the City, relating to the assessment and collection of City taxes, are being discharged by the officers of the County of Los Angeles, the offices of City Assessor and City Tax Collector shall be deemed suspended and no person shall fill the same, nor shall any salary attach thereto, and all duties of said offices other than the assessment and collection of taxes shall be transferred to and performed by such officers as the Council shall by ordinance determine.

SECTION 11. TAX RATE: The total tax rate for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized, as provided in this charter; and the proceeds of any such special tax shall be used for no other purpose than that specified for which it was voted; provided, however, that in addition to said one per cent there shall be included in every annual levy, a sufficient amount to cover all liabilities of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for; provided further, that in addition to the taxes above men- ^{Tax rate.}

tioned, there shall be levied a tax not exceeding three-tenths of one per cent of the assessed valuation for the library fund; provided further, that in addition to the taxes above mentioned, the Council may levy a tax of not to exceed three-tenths of one per cent of the assessed valuation for parks, playground and recreation centers. If the Council shall fail to fix the tax rate at the proper time, the rate for the preceding fiscal year shall be adopted and used.

Special
taxes
and bonds.

SECTION 12. SPECIAL TAXES AND BONDS: Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes, which cannot be provided for out of the ordinary revenue of the City, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, either by levying a special tax, or by issuing bonds, but no such special tax shall be levied nor any such bonds issued, unless authorized by the affirmative votes of two-thirds of the electors voting at such election. No bonds shall be issued to meet current expenses.

The proceedings for the voting and issuing of bonds of the City shall be had in such a manner and form and under such conditions as shall be provided from time to time by general law.

Debt
limit.

SECTION 13. LIMIT OF BONDED INDEBTEDNESS: The bonded debt of the City shall at no time exceed a total of fifteen (15) per cent of the assessed valuation of all property taxable for City purposes.

General
budget
fund.

SECTION 14. GENERAL BUDGET FUND: A fund to be known as the General Budget Fund is hereby created. All receipts from the general tax levy, licenses, fines, permits, and interest on bank deposits, and all other receipts except those from the Public Service Department, and those which are collected for a specific purpose, or are herein ordered to be credited to some other fund, shall be credited to said fund, and all disbursements on account of General Budget appropriations, excepting such appropriations as are payable out of special funds, shall be charged to said General Budget Fund. The credit balance, if any, in said General Budget Fund, at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid on account of General Budget appropriations for said fiscal year, shall be transferred to the General Reserve Fund.

General
reserve
fund.

SECTION 15. GENERAL RESERVE FUND: The Council shall maintain the permanent revolving fund now established and known as the General Reserve Fund, for the purpose of keeping the payment of the running expenses of the City on a cash basis. Said fund shall be maintained in an amount sufficient to meet all legal demands against the Treasury for the first four months, or other necessary period of each fiscal year prior to the collection of taxes. The Council shall have power to transfer from the General Reserve Fund to any other

fund or funds, such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the General Reserve Fund be returned thereto on or before the end of the fiscal year in which said transfers are made; provided, that in any fiscal year in which the total balance in said General Reserve Fund exceeds thirty per cent of the total amount of the General Budget for that year, the Council may appropriate such excess for any City purpose without returning the same.

SECTION 16. ENTERTAINMENT: The Council may appropriate and spend money from the funds of the City for any or all of the following purposes: Reception and entertainment of public guests, assistance of public celebrations, fairs and exhibitions, to aid or carry on the work of inducing immigration to the City, to exhibit manufactured and other products of the City; and generally, for the purpose of advertising the City; provided, however, that the aggregate expenditures for all of said purposes shall not exceed in one fiscal year the sum of two (2) cents on each One Hundred Dollars (\$100.00) of the assessed value of property within the City. Entertain-
ment.

SECTION 17. DEPRECIATION FUND: The Council shall annually set aside from the income derived by the City from its revenue producing public utilities, as a separate depreciation fund for each of said public utilities, a sum which, according to the estimate of the City Manager, shall be sufficient to meet the normal depreciation in said public utility. Such fund shall be used only for the replacement, betterment and extensions of the plants and equipment of said public utilities respectively. Deprecia-
tion
fund.

SECTION 18. SPECIAL DEPOSIT FUND: There is hereby created a fund to be known as the Special Deposit Fund, wherein shall be deposited all moneys received by the City or any department, officer or board thereof, for the purpose of guaranteeing the payment of any costs, charges, or damages accruing or liable to accrue, to the City from the depositor and all moneys deposited as bail to secure the liberation of a person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operation of the depositor. The money so deposited may be returned to the depositor, should he become entitled to the return thereof, in such manner as the Council may, by ordinance, prescribe, or upon default being made in the payment of such costs, charges, or damages, or in the performance of any of such conditions, acts or things, may be declared forfeited in whole or in part and be disposed of as the Council may direct. Special
deposit
fund.

SECTION 19. GENERAL SERVICE FUND: The Council shall maintain the permanent revolving fund now established and known as the General Service Fund. All expenditures for lot cleaning, for engineering, and other incidental expenses General
service
fund.

in connection with street opening and improvement proceedings and all other expenditures which are in the nature of advancements by the City and are to be repaid to the City, shall be charged to said fund. All receipts on account of the matters above mentioned shall be credited to said General Service Fund from the special fund created for such proceedings, if any, when available therein. All amounts expended for purchase of general supplies, which for any reason cannot be charged directly to the account or accounts for which such supplies are purchased, shall be charged against said General Service Fund, and when said supplies are used by the various departments, the cost thereof shall be charged against the proper fund and credited to said General Service Fund.

Public
service
budget
fund.

SECTION 20. PUBLIC SERVICE BUDGET FUND: A fund to be known as the Public Service Budget Fund is hereby created. All receipts, not otherwise ordered credited to other funds, from the sale of water and electric energy and any other commodity furnished, and for any services rendered by the Public Service Department of the City, shall be credited to the said Public Service Budget Fund. All disbursements on account of Public Service Budget appropriations shall be charged to the said Public Service Budget Fund. The credit balance, if any, in said Public Service Budget Fund, at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid on account of Public Service Budget appropriations, shall be transferred to the Public Service Surplus Fund.

Public
service
sinking
fund.

SECTION 21. PUBLIC SERVICE SINKING FUND: A fund to be known as the Public Service Sinking Fund is hereby created, to which fund shall be credited from the receipts of the Public Service Department, a sufficient amount each year to cover the total amount of payments falling due that year for principal and interest of all Glendale City or Municipal Improvement District Bonds issued for the acquisition, improvement or extension of Public Utilities operated by the City. The Council shall fix from time to time the percentage of the receipts of the Public Service Department required to cover the principal and interest of such bonds and such percentage of said receipts shall be credited by the City Treasurer to the said Public Service Sinking Fund; provided, however, that if in the opinion of the Council the total amount necessary for said Sinking Fund cannot conveniently be taken from the receipts of said Public Service Department, nothing in this section shall affect or impair their power, after so declaring, to levy such taxes as may be necessary to provide for interest and principal of such bonds.

Public
service
surplus
fund.

SECTION 22. PUBLIC SERVICE SURPLUS FUND: A fund to be known as the Public Service Surplus Fund is hereby created, to which fund shall be credited from the receipts of the Public Service Department any amounts in excess of the requirements of the several funds as hereinbefore set forth. Disbursements

from said Public Service Surplus Fund shall be by special appropriations made by the Council.

ARTICLE XII. DEPARTMENT OF EDUCATION.

SECTION 1. BOARD OF EDUCATION: The control of the Public School Department of the City of Glendale, including the whole of the Glendale City School District, shall be vested in a Board of Education, which shall consist of five members elected from the district at large. Board of
education.

SECTION 2. The powers and duties of the Board of Education shall be such as are prescribed by the Constitution and Laws of the State of California.

ARTICLE XIII. CITY LIBRARY.

SECTION 1. LIBRARY TRUSTEES: The Board of Library Trustees shall each serve for a term of four years and until his successor is appointed and qualified; provided, that at the first appointment under this charter, two trustees shall be appointed for two years and three trustees for four years and until their successors are appointed and qualified. In case of a vacancy the same shall be filled by appointment by the Council for the remainder of the term then vacant. city
library.

SECTION 2. The Board of Library Trustees shall appoint one of their members President, and shall appoint a Secretary, who shall keep a record of their proceedings, shall maintain, manage and control all public libraries in the City of Glendale and may establish such branch libraries and reading-rooms as may be deemed advisable; shall make and enforce all such rules and regulations as may be necessary for the administration, government and protection of the library and reading rooms under their management and of all property belonging thereto; shall appoint and fix the compensation of such librarians, assistants and employes as they may deem necessary and prescribe their duties; and shall purchase such books, journals, publications and other personal property as may be necessary for the use of said libraries and reading rooms. All such libraries and reading rooms maintained by said Board shall be forever free to the inhabitants and non-resident tax payers of the City of Glendale, subject to the above mentioned rules and regulations to be made by said Board; provided, however, that for violation of any of said rules and regulations said Board may impose fines or may exclude the violator from the privileges of the library. All such fines shall be paid into the Library Fund.

SECTION 3. LIBRARY FUND: The Board of Library Trustees shall have the management and disbursement of all funds regularly appropriated or received for the public library. All bills, demands, or claims on the Library Fund shall be audited by said Board of Library Trustees, and warrants therefor shall then be signed by the President of said Board and counter-signed by the Controller. All library bills shall

be paid out of the Library Fund, which fund is hereby established.

SECTION 4. The Board of Library Trustees shall also be the Trustees and custodians of all museums, art galleries and academics of science, which may be established by gift or grant, or otherwise, in the City of Glendale, for the diffusion of mechanical, scientific, artistic or general knowledge and shall conduct the same under the general laws of the State of California, unless otherwise provided for by the gift or donor. The Council, by ordinance, may create a fund for the maintenance of said institutions, the same to be raised by a special tax or as may be otherwise provided by general law or ordinance.

ARTICLE XIV. PARKS, PLAYGROUNDS AND RECREATION CENTERS.

Parks and
play-
grounds.

SECTION 1. The Council may, by ordinance, provide for the appointment of a commission of five members, to serve without compensation, and to have charge of Parks, Playgrounds and Recreation Centers and may by such ordinance fix the powers and duties of such commission.

ARTICLE XV. CITY PLANNING.

City
planning.

SECTION 1. The Council may, by ordinance, provide for the appointment of a City Planning Commission of five members, to serve without compensation, and to have such powers and duties as the Council may prescribe relating to City Planning and the enforcement of ordinances adopted by the Council pursuant to subdivisions 19 and 20 of Section 2 of Article III of this charter. Such Commission may also have such other powers and duties not inconsistent with this charter as may be provided by ordinance or by general law.

SECTION 2. The Council may, from time to time, on its own motion, or on petition after hearing and public notice of such hearing given by one publication in the official newspaper at least ten days before the time of hearing, amend, supplement or change the regulations and districts established by any ordinance adopted pursuant to subdivisions 19 and 20 of Section 2, Article III, of this charter. Whenever the owners of fifty per cent or more of the frontage of any district or part thereof, shall present to the Council a petition duly signed and acknowledged by them, requesting any such amendment, supplement, change or repeal of the regulations prescribed for such district, or part thereof, the Council shall act upon such petition within ninety days after the filing thereof. No amendment, change, supplement or repeal of the regulations or of the boundaries of districts established by any ordinance passed under the above mentioned provisions of the charter shall be made except by a four-fifths vote of the Council, and if at the time of the hearing thereon a protest against such amendment, supplement, change or repeal is presented,

duly signed and acknowledged by the owners of twenty per cent or more of the frontage of property which will be directly affected by the proposed amendment, supplement, change or repeal, or by the owners of twenty per cent of the frontage of property which is immediately adjacent thereto, either in the rear, on the sides, or across the street, no such amendment, change, supplement or repeal shall be adopted except by unanimous vote of the Council.

ARTICLE XVI. SOCIAL SERVICE COMMISSION.

SECTION 1. The Council may, by ordinance, provide for the appointment of a Social Service Commission of five members, to serve without compensation, and to have charge of all matters pertaining to the care and relief of the needy and the establishment of employment bureaus, day nurseries, city nurses and the like. Social
service
commis-
sion.

ARTICLE XVII. FRANCHISES.

SECTION 1. In granting franchises the Council shall be governed by the general laws of the State in force at the time, and franchises shall be granted only upon further conditions hereinafter provided. Franchises.

SECTION 2. Every application for a franchise shall be accompanied by a cash deposit or certified check in amount to pay in full all costs of advertising and other preliminary expenses connected with the offering for sale of such franchises and the granting of same, which deposit shall not be less than One Hundred (\$100.00) Dollars. Said deposit shall be returned in case the Council shall determine that neither the public necessity nor the public interest required the granting of the franchise, or in case the franchise be granted to a person other than said applicant. The cost of advertising and other costs hereinabove referred to connected with the offering for sale and granting of said franchise shall be paid by the successful bidder for said franchise, and such payment shall be a condition precedent to the vesting of the franchise.

SECTION 3. Franchises shall not be granted for a longer period than twenty-five years.

SECTION 4. SPECIAL ELECTION TO GRANT FRANCHISES: Whenever an applicant for a franchise or other person shall pay in advance to the City the expenses of a special election, the Council, may, in its discretion, call such election, at which the proposed ordinance shall be submitted to a vote of the electors of the City.

ARTICLE XVIII. INITIATIVE, REFERENDUM AND RECALL

SECTION 1. The laws of the State of California providing for the initiative, referendum and recall in cities as they now exist or hereafter may be amended, are hereby made a part of this charter and all action under the initiative, referendum Initiative,
referendum
and recall.

and recall in the City of Glendale shall be taken in accordance with said laws.

SECTION 2. No initiative ordinance providing for the expenditure of public money or for an increase in salaries of any City officer or employe shall take effect until the beginning of the fiscal year next following the date of its adoption.

ARTICLE XIX. PUBLIC WELFARE DEPARTMENT

Health
officer.

SECTION 1. HEALTH OFFICER: The Health Officer shall hold a license to practice some system or mode of treating the sick in the State of California, and shall have practiced the same for at least five years before his appointment. He shall have all the powers and shall be subject to all duties conferred on Boards of Health and on Health Officers by the general laws of the State, and shall have such other powers and duties as may be conferred by ordinance.

SECTION 2. The Council shall provide for the general care and supervision of all street or parkway trees in the City of Glendale, and the general care and supervision of parks and parkways.

ARTICLE XX. PUBLIC SAFETY

Public
safety.

SECTION 1. The Public Safety Department shall have charge of the divisions of Police and Fire Protection.

Chief of
police.

SECTION 2. CHIEF OF POLICE: The Chief of Police shall have command and control over the police force. He shall enforce all laws and ordinances for the peace and safety of the City, and shall see that all orders and provisions of the Council for these purposes are properly executed. He shall have power to appoint such police officers as are authorized by ordinance, subject to the approval of the City Manager. He shall devote his entire time to the discharge of his official duties and shall not be absent from the City except under urgent need or in the performance of his official duties, unless granted permission by the City Manager. His office shall be kept open at all hours of the day and night, and either he or a subordinate shall be in constant attendance.

Fire
chief.

SECTION 3. FIRE CHIEF: He shall have control of the Division of Fire Protection, and it shall be his duty to superintend the extinguishing of fires and to take measures for the protection of property imperiled thereby. He shall appoint, subject to the approval of the City Manager, such firemen and other subordinates as may be authorized by ordinance.

ARTICLE XXI. PUBLIC WORKS DEPARTMENT

Public
works
depart-
ment.

SECTION 1. THE PUBLIC WORKS DEPARTMENT shall have charge of General Engineering, Flood Control, Street Construction, Assessments, Street Maintenance, Building Inspection and Care of Public Buildings.

SECTION 2. CITY ENGINEER: The City Engineer must be a civil engineer, who has practiced his profession not less than five years next before his appointment. He shall possess the same power in making surveys, plats and certificates, as is given by law to city engineers and to county surveyors. He shall be the custodian of and shall be responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the City, and pertaining to his office and to the work thereof; all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn over the same to his successor, taking from him duplicate receipts therefor, one of which he shall file with the Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control, during his term of office, or that he may have received from his predecessor, shall remain the property of the City.

SECTION 3. The City Engineer shall be ex-officio street superintendent and as such shall have the general care and supervision of streets and of the maintenance and repair thereof and the care of and custody of tools and implements belonging to the City of Glendale and used for street construction and repair. He may employ such foremen, laborers and other employees as the Council may by ordinance authorize.

SECTION 4. SUPERINTENDENT OF BUILDINGS: He shall have charge of the issuing of building permits and shall see that no permit is issued unless the building plans show conformity to all State laws and all ordinances of the City applicable thereto. He shall see that the laws and ordinances regulating the construction of buildings are enforced. He shall perform all duties that are imposed by existing ordinances of the City on the Building Inspector, the Plumbing Inspector and the Inspector of Electric Wiring.

ARTICLE XXII. PUBLIC SERVICE DEPARTMENT

SECTION 1. THE PUBLIC SERVICE DEPARTMENT shall have charge of the construction, maintenance and operation of all public utilities owned or operated by the City.

SECTION 2. The Council shall, by ordinance, provide for all necessary subordinate officers, employes, clerks and laborers for this department and, until other provision is made therefor, the existing ordinances providing for the said subordinate officers, clerks, employes and laborers, shall remain in force.

ARTICLE XXIII. MISCELLANEOUS PROVISIONS

SECTION 1. Notwithstanding anything in this charter contained, the City Manager may from time to time, in order to facilitate the prompt, economical and efficient dispatch of City business, assign assistants, deputies, clerks or employes from any office or department of the City government to per-

Miscellaneous provisions.

form work or service in connection with any other office or department of the City government, or may assign any assistant, deputy, clerk or employe of the city to work in more than one of said offices or departments.

SECTION 2. All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions adopted in pursuance of this charter, shall be applicable to the City.

SECTION 3. Whenever in this charter the word "City" occurs, it means the City of Glendale, and every department, board or officer, whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Glendale.

SECTION 4. The compensation of elective officers shall not be increased during the terms of their respective offices.

SECTION 5. If any officer of the City shall die or remove from the City, or absent himself therefrom for more than thirty days consecutively, without the permission of the Council, or if he shall fail to qualify by taking the oath of office and filing his official bond, whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign or be removed from office, or if his election shall be finally declared void by any competent tribunal, or if he shall be convicted of a felony, or if he shall be adjudged insane, or if he shall cease to discharge the duties of his office (other than that of member of the Council) for two consecutive months, unless prevented by sickness, his office shall become vacant.

SECTION 6. The improvement, widening and opening of streets, the planting of trees, and all public improvements not specified in this charter may be done, and assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the Council may by ordinance adopt a procedure for the improvement of streets, alleys or other public places, or for the removal of dirt, rubbish, weeds and other rank growths and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto, and for making and enforcing assessments against property benefited or affected thereby or from which such removal is made, for the cost of such improvements or removal, and may make such assessments a lien on such property superior to all other claims or liens thereon, except State, County and Municipal taxes, but no such ordinance shall prevent the Council from proceeding under general laws for said purposes.

SECTION 7. All officers and boards shall deliver to their successors, all papers, books, documents, records, archives and

other properties pertaining to their respective offices or departments, in their possession or under their control. Miscellaneous provisions.

SECTION 8. No member of the Council, or of any Board, and no officer or employe of the City shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the City Treasury, nor shall either or any of them receive any gratuity or advantage from any contractor or person furnishing labor or material for the same; and any contract with the City, in which any such officer or employe is or becomes interested, shall be declared void by the Council.

SECTION 9. All officers, clerks, and assistants of the City and departments thereof, except such as may be employed for special purposes, must be citizens of the United States during their period of employment.

SECTION 10. No officer or employe of the City shall give or promise to give to any person, any portion of his compensation, or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment.

SECTION 11. No officer or employe shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employe, or from any one under his charge, or from any candidate or applicant for any position as employe or subordinate in any department of the City.

SECTION 12. No officer or employe of the City shall aid or assist a bidder in securing a contract to furnish labor, or material or supplies at a higher price or rate than that proposed by any other responsible bidder, or shall favor one bidder over another, giving or withholding information, or shall willfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed that has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

SECTION 13. Every officer who shall willfully approve, allow or pay any demand on the Treasury not authorized by law, shall be liable to the City individually and on his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever barred and disqualified from holding any position in the service of the City.

SECTION 14. All moneys received from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the city in his official capacity, or by any department of the City, for the performance of any official duty, and all moneys accruing to the City from any source, and all moneys directed by law, or by this

Miscellaneous provisions.

charter, to be paid or deposited in the Treasury, shall be paid into the Treasury daily. The Treasurer shall receipt for each such deposit in triplicate, giving the original and duplicate to the depositor, who must file the duplicate with the City Controller.

SECTION 15. All books and records of every office and department shall be open to the inspection of any citizens during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the Police Department shall not be subject to such inspection except by permission of the proper police authorities.

SECTION 16. Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five (25) cents for certifying.

SECTION 17. Unless otherwise provided for by law, all city officers shall keep their offices open for the transaction of business continuously from 8 o'clock a. m. to 5 o'clock p. m. each day except Sundays and holidays.

SECTION 18. All ordinances and resolutions in force at the time this charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

SECTION 19. All officers, assistants, and employes in office, when this charter takes effect, shall continue to hold and exercise their respective offices or employment, under the terms of this charter, until the election or appointment and qualification of their successors.

SECTION 20. The present Board of Trustees shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the result thereof.

SECTION 21. All vested rights of the City shall continue and shall not in any manner be affected by its adoption of this charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the adoption of this charter, unless otherwise herein expressly provided. All contracts entered into by the City or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect, may be carried to completion in accordance with the provisions of such laws.

SECTION 22. On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make a written report to the City Controller of all moneys received by him during the preceding month.

SECTION 23. If any section or part of a section of this charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section, or part of a section, is dependent for its operation upon the section or part of a section so held invalid. Miscellaneous provisions.

SECTION 24. When making purchases for all departments of the City, local merchants shall be given the preference, quality and prices being equal.

SECTION 25. Neither the City Manager, nor any person in the employ of the City shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office.

SECTION 26. All the powers of the City except as otherwise provided by this charter, are hereby vested in the Council.

SECTION 27. The violation of any provision of this charter shall be deemed a misdemeanor. The Council may make the violation of any ordinance a misdemeanor and fix the punishment therefor, not exceeding a fine of Five Hundred (\$500.00) Dollars or imprisonment not exceeding six months, or both. Any person sentenced to imprisonment for a violation of this Charter or of any ordinance, may be imprisoned in the City Jail or in the County Jail of the County in which the City of Glendale is situated, in which latter case the expense of such imprisonment shall be a charge in favor of such County against the City of Glendale. Persons so imprisoned may also be required by the Council to labor on the streets or other public works of the City.

SECTION 28. For the purpose of electing all elective officers, and all purposes connected therewith, this Charter shall take effect from the time of its approval by the Legislature. For all other purposes, it shall take effect on July 5th, 1921.

WHEREAS, The City of Glendale is a City containing a population of more than thirty-five hundred inhabitants, as ascertained by the last preceding census taken under authority of the Congress of the United States; and,

WHEREAS, On the 16th day of November, 1920, at a special election duly held on that day under and in accordance with the provisions of Section 8, of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect A. W. Beach, G. H. Bentley, C. W. Ingledue, Henry Johnston, C. E. Kimlin, C. D. Lusby, R. M. McGee, F. L. Muhleman, May E. Myton, W. R. Phelon, Jessie A. Russell, Mabel L. Tight, F. H. Vesper, Bert P. Woodard and G. B. Woodberry (who are all electors of said City and eligible as candidates under said section), as a Board of fifteen freeholders to prepare and propose a Charter for the government of said City; and,

WHEREAS, The result of said election was duly declared by the legislative body, to-wit: The Board of Trustees of said City, on the 18th day of November, 1920, and the said electors

thereafter duly qualified as such freeholders in accordance with law, and,

WHEREAS, The period of one hundred twenty days has not expired since the result of said election was declared,

Now, THEREFORE, In pursuance of the said provisions of the Constitution of the State of California, and within said period of one hundred twenty days after the result of said election was so declared, the said Board of Freeholders has prepared and does now propose the foregoing Charter as and for the Charter of the City of Glendale.

And the said Board of Freeholders does hereby fix and designate Tuesday, the 29th day of March, 1921, as the date for holding a special municipal election in said City, at which the said proposed Charter shall be submitted to the electors of said City for their ratification and adoption.

IN WITNESS WHEREOF, We, the undersigned freeholders, have hereunto set our hands at the City of Glendale, in the State of California, this 11th day of January, 1921.

BERT P. WOODARD,
President of the Board
of Freeholders.

JESSIE A. RUSSELL,
Secretary of Said Board.

A. W. BEACH,

C. E. KIMLIN,

R. M. MCGEE,

F. L. MUHLEMAN,

MAY E. MYTON,

W. R. PHELON,

MABEL L. TIGHT,

F. H. VESPER,

G. B. WOODBERRY,

GEORGE H. BENTLEY,

C. W. INGLEDUE,

HENRY JOHNSTON,

C. D. LUSBY,

Freeholders of the
City of Glendale.

Certificate.

We do hereby certify that the foregoing constitutes a full and true statement of all of the acts and proceedings had by the City of Glendale in the matter of the election of a Board of Freeholders and in the preparation, proposing, filing, voting upon and canvassing the returns and declaring the result of the election in the matter of the proposed Charter for the government of the said City of Glendale, and that the said Charter as hereinbefore set forth is a full, true and correct copy of the Charter as prepared and proposed by the said Board of Freeholders and filed in the office of the City Clerk of said City of Glendale on the 12th day of January, 1921.

IN WITNESS WHEREOF we have hereunto set our hands and hereunto affixed the Seal of the City of Glendale this 4th day of April, 1921.

DWIGHT W. STEPHENSON,
President of the Board of Trustees of the City of Glendale.
(SEAL)

J. C. SHERER,
City Clerk of the City of Glendale.

And

WHEREAS, Said Charter has been submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the said charter so prepared, proposed, adopted and ratified by a majority of the qualified electors of said city of Glendale, and as herein above fully set forth, be and the same is hereby approved as the charter of the city of Glendale. Approval by
legislature

CHAPTER 72.

Assembly Concurrent Resolution No. 31—Approving an amendment to the charter of the city of San Bernardino, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fifteenth day of March, one thousand nine hundred twenty-one.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment to the charter of the city of San Bernardino, State of California, as set out in a certificate of the mayor and the city clerk of the said city of San Bernardino, as follows, to wit: San
Bernardino
city
charter
amend-
ment.

WHEREAS, The City of San Bernardino, of the County of San Bernardino, State of California, has, at all times mentioned herein, been and now is a municipal corporation of said State of California, containing a population of more than three thousand five hundred inhabitants, and is now, and has been ever since the eighth day of February, 1905, organized and existing and acting under a freeholders' charter adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the sixth day of January, 1905, and approved by the legislature of the State of Cali-

San
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ment.

formia on the eighth day of February, 1905 (Stats. 1905, page 940 et seq); and

WHEREAS, The Mayor and Common Council of said City of San Bernardino, did, by resolution designated as "Resolution No. 1059," adopted by said Mayor and Common Council on the 17th day of January, 1921, and approved by the Mayor of said City on the 17th day of January, 1921, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said City of San Bernardino a certain amendment hereinafter set forth, to the charter of said City to be submitted to said qualified electors at a special municipal election to be held in said City on the 15th day of March, 1921, and

WHEREAS, said resolution and said certain proposed amendment hereinafter set forth was published for one day in a daily newspaper, printed and published in said City and of general circulation therein, to-wit: In the San Bernardino Daily Sun, said publication being on the 26th day of January, 1921, and

WHEREAS, Copies of said proposals containing said proposed amendment were printed in convenient pamphlet form and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in said San Bernardino Daily Sun, that such copies could be had upon application therefor, at the office of the City Clerk; and

WHEREAS, Copies could be had upon application therefor at the office of the City Clerk until the date fixed for the election hereinafter described; and

WHEREAS, Thereafter the Mayor and Common Council of said City did by an ordinance designated "Ordinance No. 791," which was duly passed and adopted on the 14th day of February, 1921, and approved by the Mayor of said City on the 15th day of February, 1921, call and order the holding of a special municipal election in the City of San Bernardino on the 15th day of March, 1921, which said last mentioned date was at least forty days and not more than sixty days after the completion of the publication of such resolution and proposed amendment to said charter for one day in said San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said City, and which said ordinance calling such special election specified and ordered and ordained that said proposed amendment be submitted to the qualified electors of said City at said special election for ratification or rejection, and designated the time of such election and provided for the election precincts, and the polling places therein, and the election officers for each such precinct, and which said ordinance was published for ten times in said San Bernardino Daily Sun, the last day of such publication being on the 26th day of February, 1921, and

WHEREAS, Said amendment was duly submitted to the qualified electors of said City of San Bernardino at said special election held on said the said 15th day of March, 1921,

which said special election was held not less than forty days nor more than sixty days after the completion of the publication of such proposal for one day in said daily newspaper; and

WHEREAS, In and by said ordinance and said resolution so passed, approved and published as aforesaid, said proposed amendment was submitted to the qualified electors of said City at said special municipal election; and

WHEREAS, On the 17th day of March, 1921, at a meeting of said Mayor and Common Council of said City of San Bernardino, duly convened in accordance with law and with the provisions of said charter of said City, said Mayor and Common Council of said City of San Bernardino did duly and regularly canvass the returns of said special municipal election so held on the 15th day of March, 1921, and did find thereon that one of said proposed amendments to said charter, hereinafter particularly set forth, was duly ratified by the majority of the electors voting thereon; and

WHEREAS, Said Mayor and Common Council after canvassing said returns and at said meeting so held as aforesaid after said canvass, did duly find and declare that one of the two proposed amendments had been ratified and adopted by the Majority of the electors voting thereon; and

WHEREAS, Said amendment so ratified by the electors of said City of San Bernardino at said special municipal election held on the said 15th day of March, 1921, is now submitted to the legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the constitution of the State of California; and

NOW THEREFORE, the undersigned John A. Henderson, the Mayor and chief executive of the City of San Bernardino, and J. H. Osborn, City Clerk and clerk of the Mayor and Common Council of said City, authenticating their signatures, with the official seal of said city, do hereby certify that said amendment to said charter of said city so ratified by the majority of the electors voting thereon at said special municipal election, held on the 15th day of March, 1921, as submitted to said electors are in the words and figures as follows, and is and shall, if so approved by said legislature, be in the words and figures following, to-wit:

PROPOSED CHARTER AMENDMENT NO. 2.

It is hereby proposed that Section 133 of the Charter of said City be amended so as to read as follows:

Section 133: Whenever the Mayor and Common Council shall, by ordinance or resolution, determine that the public interest and necessity demands the acquisition, construction or completion of any municipal improvement, the cost of which would be too great to be paid out of the ordinary annual income and revenue of the City, they are hereby given the

Indebtedness for municipal improvement.

power and authority to call a special election and submit to the qualified voters of the City, the proposition of incurring indebtedness to pay the cost of such improvement set forth in such ordinance or resolution. If said proposition be accepted by a two-thirds vote of the qualified electors voting at such election, the Mayor and Common Council may issue and dispose of bonds of said City in evidence of said indebtedness, but the City or municipal corporation of San Bernardino shall not incur any indebtedness for public improvements which shall, in the aggregate, exceed twenty-five per cent of the assessed value of all of the real and personal property of the City of San Bernardino.

The amendment herein proposed shall be known and designated as Proposed Charter Amendment, No. 2, and if ratified by the electors voting at said Special Election shall be in force and effect immediately after its approval by the Legislature of the State of California.

And the said John A. Henderson as Mayor and Chief Executive of said City and J. H. Osborn, as Clerk of said City and of the Mayor and Common Council of said City, do hereby further certify that they have this day carefully compared the foregoing proposed and ratified amendment to the charter of said City of San Bernardino, with the original submission thereof, and with said resolution No. 1059 and with said Ordinance No. 791 submitting the same to the qualified electors of said City at a special municipal election held in said City on the 15th day of March, 1921, and with the proceedings of the Council of said City, on file and of record in the office of said Clerk, subsequent to the passage of said ordinance and resolution, and from said comparison and examination they find, and hereby certify that the foregoing contains a true, full, exact and correct copy of said charter amendment to said charter of said City of San Bernardino so ratified as aforesaid.

Certificate.

And we further hereby certify that the facts set forth in the Preamble of this certificate preceding said amendment to said charter are and each of them is true.

And, for and on behalf of said City, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California to adopt said amendment to said charter as a whole and to take such other and further step and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, We have hereunto set our hands and caused our signatures, authenticated by the official seal of said City, to be hereunto attached, this 31st day of March, 1921.

J. A. HENDERSON,

Mayor and Chief Executive of the City of San Bernardino.

(SEAL)

Attest:

J. H. OSBORN,

City Clerk of the City of San Bernardino and clerk of the Mayor and Common Council of said City of San Bernardino.

And

WHEREAS, The said proposed amendment so ratified as hereinbefore set forth has been and is now duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein. That said amendment to the charter of the city of San Bernardino, as proposed to and adopted and ratified by the electors of said city and as hereinbefore set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as a part of, the charter of said city of San Bernardino. Approval by legislature.

CHAPTER 73.

Assembly Concurrent Resolution No. 32—Relative to protection of the state's interest in federal power sites.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, The federal power act grants to the state certain priorities in the issuance of permits and licenses for the use of power and reservoir sites located in the public domain, which priorities, in order to be secured, must be applied for prior to the granting of permits and licenses to private individuals; and Protection of state's interest in federal power sites.

WHEREAS, The public interest requires that the state should avail itself of the rights granted under the said act to the end that the future needs of the people of the state may be provided for and that the resources of the state may be conserved; now, therefore, be it

Resolved by the assembly of the State of California, the senate concurring, That the governor be requested to file, in the name of the State of California, applications with the federal power commission for such reservoir and power sites within the state, as will, in his judgment, best provide for its future development; also to suggest to this legislature such measures as may be necessary to carry out the policy herein expressed.

CHAPTER 74.

Assembly Concurrent Resolution No. 33—Relative to the boundary between the State of California and the State of Arizona.

[Filed with Secretary of State May 11, 1921.]

Boundary
between
California
and
Arizona.

Resolved by the assembly, the senate concurring, That the attorney general of the State of California be and he is hereby authorized to take such steps as in his judgment are necessary or proper, by proceeding in court or otherwise, to assert and protect the right of the State of California and its jurisdiction over the land lying within the boundaries of this state as set out in the act of congress admitting the State of California to the union, and particularly the land lying north of the international boundary line between the State of California and the republic of Mexico, extended easterly to the mouth of the Gila river, and south of the Colorado river.

CHAPTER 75.

Assembly Concurrent Resolution No. 31—Approving certain amendments to the charter of the city of San Bernardino, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eleventh day of April, one thousand nine hundred twenty-one.

[Filed with Secretary of State May 11, 1921.]

San
Bernardino
city
charter
amend-
ments.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments to the charter of the city of San Bernardino, State of California, as set out in a certificate of the mayor and the city clerk of the said city of San Bernardino, as follows, to wit:

WHEREAS, the City of San Bernardino, of the County of San Bernardino, State of California, has at all times mentioned herein been and now is a municipal corporation of said State of California, containing a population of more than three thousand five hundred inhabitants, and is now, and has been ever since the eighth day of February, 1905, organized and existing and acting under a freeholders' charter adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the sixth day of January, 1905, and approved by the legislature of the State of California on the eighth day of February, 1905, (Stats. 1905, page 940 et seq); and

WHEREAS, the Mayor and Common Council of said City of San Bernardino, did by resolution designated as "Resolution

No. 1062A", adopted by said Mayor and Common Council on the 28th day of February, 1921, and approved by the Mayor of said City on the 28th day of February, 1921, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said City of San Bernardino certain amendments hereinafter set forth, to the charter of said City to be submitted to said qualified electors at a special municipal election to be held in the City on the 11th day of April, 1921, and

San
Bernardino
city
charter
amend-
ments.

WHEREAS, said resolution and said certain proposed amendments hereinafter set forth were published for one day in a daily newspaper, printed and published in said City and of general circulation therein, to-wit: In the San Bernardino Daily Sun, said publication being on the 1st day of March, 1921, and

WHEREAS, copies of said proposals containing said proposed amendments were printed in convenient pamphlet form and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in said San Bernardino Daily Sun, that such copies could be had upon application therefor, at the office of the City Clerk; and

WHEREAS, copies could be had upon application therefor at the office of the City Clerk until the date fixed for the election hereinafter described; and

WHEREAS, thereafter the Mayor and Common Council of said City did by an ordinance designated "Ordinance No. 796", which was duly passed and adopted on the 14th day of March, 1921, and approved by the Mayor of said City on the 15th day of March, 1921, call and order the holding of a special municipal election in the City of San Bernardino on the 11th day of April, 1921, which said last mentioned date was at least forty days and not more than sixty days after the completion of the publication of such resolution and proposed amendment to said charter for one day in said San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said City, and which said ordinance calling such special election specified and ordered and ordained that said proposed amendments to be submitted to the qualified electors of said City at said special election for ratification or rejection, and designated the time of such election and provided for the election precincts, and the polling places therein, and the election officers for each such precinct, and which said ordinance was published for ten times in said San Bernardino Daily Sun, the last day of such publication being on the 28th day of March, 1921, and

WHEREAS, said amendments were duly submitted to the qualified electors of said City of San Bernardino at said special election held on the said 11th day of April, 1921, which said special election was held not less than forty days nor more than

sixty days after the completion of the publication of such proposals for one day in said Daily newspaper; and

WHEREAS, in and by said ordinance and said resolution so passed, approved and published as aforesaid, said proposed amendments were submitted to the qualified electors of said City at a special municipal election; and

WHEREAS, on the 13th day of April, 1921, at a meeting of said Mayor and Common Council of said City of San Bernardino, duly convened in accordance with law and with the provisions of said charter of said City, said Mayor and Common Council of said City of San Bernardino did duly and regularly canvass the returns of said special municipal election so held on the 11th day of April, 1921, and did find thereon that all of said proposed amendments to said charter, hereinafter particularly set forth, were duly ratified by the majority of the electors voting thereon; and

WHEREAS, said Mayor and Common Council after canvassing said returns and at said meeting so held as aforesaid after said canvass, did duly find and declare that all of the said proposed amendments had been ratified and adopted by the majority of the electors voting thereon; and

WHEREAS, said amendments so ratified by the electors of said City of San Bernardino at said special municipal election held on the said 11th day of April, 1921, are now submitted to the legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the constitution of the State of California: and

NOW THEREFORE, the undersigned John A. Henderson, the Mayor and chief executive of the City of San Bernardino, and J. H. Osborn, City Clerk and clerk of the Mayor and Common Council of said City, authenticating their signatures, with the official seal of said City, do hereby certify that said amendments to said charter of said City so ratified by the majority of the electors voting thereon at said special municipal election, held on the 11th day of April, 1921, as submitted to said electors are in the words and figures as follows, and are and shall, if so approved by said legislature, be in the words and figures following, to-wit:

PROPOSED CHARTER AMENDMENT No. 1

It is hereby proposed that Section 1 of the City Charter be amended to read as follows:

Powers of
city.

Section 1. The Municipal corporation now existing known as the City of San Bernardino, shall remain and continue a body politic and corporate in name and in fact, by the name of the City of San Bernardino, and by that name shall have perpetual succession and may sue and defend in all courts and places and in all matters and proceedings whatever, and all property, rights and interests of the said City shall continue and vest in and belong to said City under this charter. It

may have and use a common seal and alter it at pleasure; may purchase, receive and hold real and personal property within and without the City limits; may sell and dispose of the same for the common benefit; receive bequests and donations of all kinds of property in trust for charitable or other purposes and do all acts necessary to carry out the purposes of such bequests and donations, with power to manage, sell or otherwise dispose of the same in accordance with the terms of bequest or donation.

The City of San Bernardino may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter, and in respect to other matters, it shall be subject to general laws.

The amendment herein proposed shall be known and designated as "Proposed Charter Amendment Number 1", and if ratified by the electors voting at said special election, shall be in force and effect immediately after its approval by the legislature of the State of California.

PROPOSED CHARTER AMENDMENT No. 2.

It is hereby proposed that Section 10 of the City Charter ^{Repealed.} be repealed.

The amendment herein proposed shall be known and designated as "Proposed Charter Amendment Number 2", and if ratified by the electors voting at said special election, shall be in force and effect immediately after its approval by the legislature of the State of California.

PROPOSED CHARTER AMENDMENT No. 3.

It is hereby proposed that Section 40 of the City Charter be amended to read as follows:

Section 40. The Mayor and Common Council shall have ^{Powers of mayor and council.} power:

First. To purchase, receive and hold real and personal property within or without the city limits; to sell or dispose of the same for the common benefit; provided, however, that they shall not have power to sell or dispose of real property without submitting the same to a vote of the people at the next general municipal election, and the approval thereof be given by a majority of the electors voting on the proposition. Nothing in this section shall be construed as affecting the power of the Mayor and Common Council to abandon or close streets;

Second: To make and enforce all such local, police, sanitary and other regulations as pertain to municipal affairs, and for this purpose may define misdemeanors committed within the city limits or on lands under the jurisdiction of the City, and provide penalties and punishment therefor, although the offense constituting the misdemeanor be also a violation of the penal laws of the state;

Powers
of mayor
and
council

Third: To define nuisances and provide for their removal.

Fourth: To license for purposes of regulation and revenue all and every kind of business, occupations, shows, exhibitions and lawful games carried on in the city, and to fix the rate of license tax thereon;

Fifth: To levy and collect taxes;

Sixth: To establish and maintain a fire department, prescribe fire limits and adopt regulations for the protection of the City against fire;

Seventh: To establish and maintain a police force;

Eighth: To protect the City against overflow;

Ninth: To prohibit and suppress lewdness and house of illfame and all indecent and immoral amusements and exhibitions;

Tenth: To prohibit the storage of gunpowder, oils or other combustible substances in quantity;

Eleventh: To lay out and maintain parks;

Twelfth: To regulate hospitals, pest houses and slaughter houses, and to provide for their removal or discontinuance;

Thirteenth: To provide cemeteries and regulate their management;

Fourteenth: To establish and regulate a public pound;

Fifteenth: To provide a city prison and require the prisoners undergoing sentence for misdemeanor to perform such labor as may be prescribed;

Sixteenth: To establish, construct, maintain and repair drains and sewers;

Seventeenth: To establish, build and repair bridges, to establish, lay out, alter, keep open, open, close, improve and repair streets, sidewalks, alleys, squares, and other public highways and places within the City, and to drain, sprinkle, oil and light the same; to remove all obstructions therein; to establish the grades thereof; to grade, pave, macadamize, gravel and curb the same in whole or part; and to construct gutters, culverts, sidewalks and cross-walks therein, or upon any part thereof; to cause to be planted, set out and cultivated shade trees therein, and generally to manage and control all such highways and places.

Eighteenth: To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of ordinances; to fix the penalty by a fine or imprisonment, or both, but no such fine shall exceed five hundred dollars, nor the term of such imprisonment exceed six months. The violation of any lawful ordinance made by the Mayor and Common Council shall constitute a misdemeanor and shall be prosecuted in the name of the people of the State of California.

Nineteenth: To appoint and remove such policemen and other subordinate officers as they may deem proper, and to fix their duties and compensation;

Twentieth: To contract for supplying the city with water for municipal purposes, or to acquire, construct, repair and

manage pumps, aqueducts, reservoirs or other works necessary or proper for supplying water for the use of such city or its inhabitants, or for irrigating purposes therein, subject to the powers and supervision of the board of water commissioners as in this charter provided:

Twenty-first: To acquire, own, construct, maintain and operate street railways, telephone and telegraph lines, gas, electrical and other works for light, power and heat, and to supply such light, power and heat to the municipality and the inhabitants thereof; and to acquire own and maintain public libraries, museums, gymnasiums, parks and baths.

Twenty-second: To permit, under such restrictions, as they may deem proper, the laying of railroad tracks and the construction and operation of street railways and the running of cars drawn by steam, electricity or other power thereon; and the laying of gas and water pipes in the public streets; and the construction and maintenance of telephone and telegraph lines therein;

Twenty-third: To maintain public schools;

Twenty-fourth: To prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and to prescribe for any officer, duties other than herein prescribed.

Twenty-fifth: To impose and collect an annual license tax on every dog owned or harbored within the limits of the City;

Twenty-sixth: To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restriction and limitations provided in this charter.

Twenty-seventh: To pass all orders, resolutions and ordinances and to do and perform any and all other acts and things necessary or proper to complete execution of the powers vested by law or this charter, or inherit in the municipality, or that may be necessary or proper for the general welfare of the city or its inhabitants.

The amendment herein proposed shall be known and designated as "Proposed Charter Amendment Number Three", and if ratified by the electors voting at said special election, shall be in force and effect immediately after its approval by the legislature of the State of California.

PROPOSED CHARTER AMENDMENT No. 4.

It is hereby proposed that Section 224 of the City Charter be ~~repealed~~ repealed.

The amendment herein proposed shall be known and designated as "Proposed Charter Amendment Number Four", and if ratified by the electors voting at said special election, shall be in force and effect immediately after its approval by the legislature of the State of California.

PROPOSED CHARTER AMENDMENT No. 5.

It is hereby proposed that Section 234 of the City Charter ~~be repealed~~ be repealed.

The amendment herein proposed shall be known and designated as "Proposed Charter Amendment Number Five", and if ratified by the electors voting at said special election, shall be in force and effect immediately after its approval by the legislature of the State of California.

And the said John A. Henderson as Mayor and chief executive of said City and J. H. Osborn, as Clerk of said City and of the Mayor and Common Council of said City, do hereby further certify that they have this day carefully compared the foregoing proposed and ratified amendments to the charter of said City of San Bernardino, with the original submission thereof, and with said resolution No. 1062A, and with said Ordinance No. 796, and with the proceedings of the Council of said City, on file and of record in the office of said Clerk, subsequent to the passage of said ordinance and resolution, and from said comparison and examination they find, and hereby certify that the foregoing contains a true, full, exact and correct copy of said charter amendments to said charter of said City of San Bernardino as ratified as aforesaid.

Certificate.

And we further hereby certify that the facts set forth in the Preamble of this certificate preceding said amendments to said charter and each of them is true.

And, for and on behalf of said City, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California, to adopt said amendments to said charter as a whole and to take such other and further step and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and caused our signatures, authenticated by the official seal of said City, to be hereunto attached this 14th day of April, 1921.

J. A. HENDERSON,

Mayor and chief executive of the City of San Bernardino.

[SEAL]

Attest: J. H. OSBORN,

City Clerk of the City of San Bernardino and clerk of the Mayor and Common Council of said City of San Bernardino.

And

WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Approval by
legislature.

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of San Bernardino, as proposed to and adopted and ratified by the electors of said city and as hereinbefore set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as a part of, the charter of said city of San Bernardino.

CHAPTER 76.

Senate Joint Resolution No. 14—Relative to the memorializing and petitioning the president of the United States and congress to establish by proper legislation a bureau or department of publicity.

[Filed with Secretary of State May 11, 1921.]

Resolved by the senate and assembly of the State of California, as follows, to wit; that

WHEREAS, The subject of "selling America to Americans," and the establishment of a department of publicity for the purpose of properly advertising America is an important matter in these days of extensive advertising directing the attention of Americans to Europe and points outside of the United States; be it

U. S.
depart-
ment of
publicity

Resolved, That we, the members of the legislature of the State of California, petition the president of the United States and congress to enact legislation, and to use their utmost endeavors for the immediate passage of laws for the—

1. Establishment of a bureau of publicity under the direction of the department of the interior for our forty-eight states and territories to encourage travel in America and to educate people to travel in America by carrying on and conducting a publicity campaign by advertising in this and other countries the scenic wonders, climate, highways, resources, lakes, rivers, inland waterways, places of historic interest, national parks, national forests, national monuments, ice caves, overland and other cross country trails and Indian mounds.

2. Establishment of numerous automobile highways from the Atlantic to the Pacific and from the Gulf to the Great Lakes and also paved highways from national parks to national parks, with government appropriation for the development of these highways.

Resolved, That the secretary of the senate be and she is hereby directed to forward copies of this resolution to the president of the senate of the United States and the speaker of the house or representatives and to each of California's senators and representatives in congress.

CHAPTER 77.

Senate Joint Resolution No. 16—Relative to remount appropriation.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, During the world war a shortage of proper type of cavalry and riding horses in the United States was most noticeable, not only to our army but to all other nations who attempted to secure them in the United States;

Remount
appropriation.

WHEREAS, A misconception exists in no small degree that horses are no longer needed in warfare and that cavalry has been rendered obsolete;

WHEREAS, This statement is in error on the face of it, the number of animals used per man in the world war being almost identical with the number used in the civil war; therefore, be it

Resolved by the senate, the assembly concurring, That we ask that the remount appropriation as presented to congress in the sum of two hundred fifty thousand dollars (\$250,000), be adopted without reduction, to the end that the growing of proper horses for artillery and cavalry purposes may be increased; and be it further

Resolved, That the secretary of the senate be and she hereby is instructed to forward copies of these resolutions to the honorable secretary of war, the chairman of the committee on military affairs in the house of representatives, the chairman on military affairs in the United States senate, and to each of California's senators and representatives in congress.

CHAPTER 78.

Senate Joint Resolution No. 18—Relative to the extension by congress of the franking privilege.

[Filed with Secretary of State May 11, 1921.]

Extension
of franking
privilege.

WHEREAS, Under the election laws of the various states it is necessary that great quantities of printed matter be transmitted through the mails to the individual voters in order that they may become fully advised of the matters upon which they are to vote; and

WHEREAS, This entails large expenditures of money by the various states and political subdivisions thereof; and

WHEREAS, Different bureaux of the United States government are accorded franking privileges upon mailable matter sent forth by them; and

WHEREAS, It would be a great saving to the states and their political subdivisions if this franking privilege was extended to the states and their political subdivisions in election matters; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California declares that it deems it to be to the best interest of the several states and economy, that legislation be enacted by congress extending the franking privilege in the manner above indicated; and be it further

Resolved, That California's senators and representatives in congress be and they are hereby urged to take such steps

as may be necessary to secure the desired result; and be it further

Resolved, That the secretary of the senate be and she is hereby directed to forward copies of these resolutions to each of California's senators and representatives in congress.

CHAPTER 79.

Senate Joint Resolution No. 22—Relative to H. R. Bill No. 15854, establishing the grade of lieutenant general in the armies of the United States.

[Filed with Secretary of State May 11, 1921.]

WHEREAS, H. R. Bill No. 15854 provides for establishment of the grade of lieutenant general in the armies of the United States; and

Grade of
lieutenant
general
in U. S.
army.

WHEREAS, General Hunter Liggett as commander of America's first army corps in France, and later as commander of America's first army consisting of one million one hundred thousand men and more than five thousand guns, held the grade of lieutenant general; and

WHEREAS, By reason of legal limitations in the organization of the armies of the United States, General Liggett was automatically reduced to the grade of major general upon his return to the United States; and

WHEREAS, By virtue of conspicuous and gallant military service and devotion to duty, General Liggett won his promotion to the grade of lieutenant; and

WHEREAS, The reduction in grade of the commander of America's first army abroad was inconsistent with the splendid services of that commander and not expressive of the gratitude of the American people for meritorious services so splendidly rendered; therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California respectfully urges and memorializes the congress of the United States at its earliest convenience to enact into law H. R. Bill No. 15854, in order that the rank of lieutenant general of the armies of the United States may be restored to Major General Hunter Liggett; and be it further

Resolved, That the secretary of the senate be and she hereby is directed to forward a copy of these resolutions to the chairman of the committee on military affairs of the house and senate, and to the president of the United States, to the secretary of war, and to each of California's delegation in the house of representatives and to each of California's United States senators,

CHAPTER 80.

Senate Joint Resolution No. 25—Relative to the cooperation of the national government in securing for the American petroleum industry foreign sources of supply.

[Filed with Secretary of State May 11, 1921.]

Foreign sources of supply for American petroleum industry.

WHEREAS, The State of California produces about twenty-five per cent of the total annual petroleum output of the United States; and

WHEREAS, Its petroleum products find a ready market in the Pacific coast and Rocky Mountain states, and in the territory bordering upon the Pacific ocean from Alaska to Chili and in the Hawaiian Islands and the Orient; and

WHEREAS, The known oil-bearing areas of the state have been increased less than ten thousand acres during the past ten years, and from past experience it is improbable that new discoveries will be made with sufficient rapidity to keep pace with the constantly increasing demands from the territory served by California petroleum and its products; and

WHEREAS, The situation in other states of the union is comparable to that confronting California, in that reserves are unsatisfactory when compared with consumption over any long period of years; and

WHEREAS, The United States consumes over two-thirds of the petroleum produced in the world, and it is of the highest importance that every effort be made by the American petroleum industry to secure, against the time of need, sources of supply in addition to those existing within the boundaries of the United States; now, therefore, be it

Resolved, by the senate and assembly of California, that we respectfully urge upon the national government the wisdom of and necessity for the adoption of a cooperative and sympathetic attitude toward the American petroleum industry in its efforts to secure foreign sources of supply; and be it further

Resolved, That we believe American nationals should be assured of government protection in so far as is compatible with international law and the comity of nations, and that the American government should make every endeavor to secure for its nationals equal rights with the nationals of other countries.

CHAPTER 81.

Senate Concurrent Resolution No. 15—Relative to the printing of copies of "California and the Oriental."

[Filed with Secretary of State May 11, 1921.]

Printing "California and the Oriental."

Resolved by the senate, the assembly concurring, That the superintendent of state printing be and he is hereby directed to print as a part of the legislative printing of this session, ten thousand copies of "California and the Oriental."

CHAPTER 82.

Senate Concurrent Resolution No. 18—Relative to leaves of absence of the governor, lieutenant governor and the members of the senate and assembly of the forty-fourth session of the legislature of the State of California.

[Filed with Secretary of State May 11, 1921.]

Resolved by the senate, the assembly concurring, That Leaves of absence.
 leave of absence from the State of California for a longer period than sixty days, during their term of office, is hereby granted to his excellency, William D. Stephens, governor of the State of California; to C. C. Young, lieutenant governor of the State of California; and to the following members of the senate and assembly of the forty-fourth session of the legislature of the State of California:

Senators Newton M. Allen, A. P. Anderson, F. A. Arbuckle, Frank S. Boggs, A. H. Breed, L. G. Burnett, V. J. Canepa, Frank M. Carr, Wm. J. Carr, Harry A. Chamberlin, J. J. Crowley, L. L. Dennett, W. E. Duncan, Jr., Walter Eden, L. J. Flaherty, E. J. Gates, Charles W. Godsil, M. B. Harris, D. H. Hart, Thomas Ingram, J. M. Inman, J. L. C. Irwin, M. B. Johnson, H. C. Jones, L. M. King, C. W. Lyon, Walter A. McDonald, H. C. Nelson, A. E. Osborne, E. M. Otis, Claude F. Purkitt, E. S. Rigdon, J. A. Rominger, Benj. F. Rush, E. P. Sample, W. S. Scott, W. R. Sharkey, W. B. Shearer, H. W. Slater, H. H. Yonkin.

Assemblymen F. W. Anderson, W. F. Badham, Edwin R. Baker, J. B. Badaracco, W. F. Beal, R. P. Benton, Van R. Bernard, J. O. Bishop, E. P. Bromley, Clifton Brooks, Esto B. Broughton, J. F. Burns, E. H. Christian, Chas. W. Cleary, Geo. P. Cleveland, R. W. Colburn, F. L. Coombs, B. S. Crittenden, F. J. Cummings, Frank L. Eksward, Roy Fellom, L. E. Fulwider, Sidney T. Graves, P. J. Gray, C. W. Greene, W. O. Hart, F. C. Hawes, F. Heck, S. L. Heisinger, Wm. B. Hornblower, Mrs. Elizabeth Hughes, G. E. Hume, E. S. Hurley, Frank Johnson, J. W. Johnston, Gilbert L. Jones, Isaac Jones, C. M. Kline, Geo. W. Lee, Ira A. Lee, Ed Lewis, J. N. Long, E. O. Loucks, Harry Lyons, J. E. Manning, F. D. Mather, D. McCloskey, H. McDowell, R. McGee, B. W. McKeen, R. B. McPherson, Frank F. Merriam, T. A. Mitchell, C. W. Morris, H. F. Morrison, L. H. Parker, O. C. Parkinson, J. L. Pedrotti, J. A. Pettis, F. J. Powers, J. J. Prendergast, H. B. Ream, F. M. Roberts, A. A. Rosenshine, A. F. Ross, Mrs. Anna L. Saylor, Walter J. Schmidt, O. W. Smith, C. C. Spalding, H. R. Spence, A. F. Stevens, G. W. Warren, A. A. Weber, J. C. Webster, A. A. Wendering, P. G. West, J. R. White, Jr., Guy Windrem, H. W. Wright, T. M. Wright.

CHAPTER 83.

Senate Concurrent Resolution No. 27—Relative to the examination of denuded areas, and directing the state board of forestry to examine such areas and to report to the legislature, at its next regular session, the situation and approximate acreage of such areas as are most valuable for reforestation or recovering with other protective cover, together with a plan for such reforestation or covering with other protective cover.

[Filed with Secretary of State May 11, 1921.]

Reforestation of denuded areas.

WHEREAS, It is reported that there are large and rapidly increasing areas in this state which have been and are being denuded of timber and other vegetable protective covering, and which, because of such denudation, are not only a present and rapidly increasing economic loss to the people of the state, but are also causing a rapidly increasing destruction of streams and harbors, and are also interfering with and threatening to destroy, with constantly increasing rapidity, the availability of water for domestic, irrigation, hydro-electric power, mining, navigation, and other necessary purposes, be it

Resolved by the senate, the assembly concurring, That the state board of forestry be and hereby is directed to examine such areas and to report to the legislature, at its next regular session, the situation and approximate acreage of such areas as are most valuable for reforestation or recovering with other vegetable protection, and to report a plan whereby they may be reforested or otherwise covered with protective vegetation.

CHAPTER 84.

Senate Concurrent Resolution No. 28—Relative to approval of amendments to the charter of the city of San Diego.

[Filed with Secretary of State May 11, 1921.]

San Diego city charter amendments.

WHEREAS, The City of San Diego, in the county of San Diego, State of California, contains a population of over seventy-five thousand inhabitants, and has been ever since the year 1889, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the second day of March, in the year 1889, in manner, form and substance as required by law, and was thereafter on the sixteenth day of May, in the year 1889, duly approved by the legislature of the State of California; and

WHEREAS, The legislative body and authority of said city, being the common council thereof, did, on its own motion, by resolution passed and adopted by said common council on the fourteenth day of February, in the year 1921, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said The City of San Diego, certain amendments to the charter of said The City of San Diego; and

San Diego
city
charter
amend-
ments.

WHEREAS, Said common council did, by resolution passed and adopted by said common council on the fourteenth day of February, in the year 1921, proclaim and fix the fifth day of April, in the year 1921, as the date upon which all of said amendments so proposed by said common council of said The City of San Diego would be submitted to the qualified electors of said The City of San Diego; and

WHEREAS, Said common council did, by resolution number twenty-six thousand two hundred six, entitled, "A resolution proclaiming a general election, and submitting certain charter amendments to the electors of The City of San Diego," which resolution was passed by said common council of said city on the fourteenth day of February, in the year 1921, call an election of the qualified electors of said city, to be holden in said city on the fifth day of April, in the year 1921, wherein and whereby said amendments were, in accordance with section eight of article eleven of the constitution of the State of California, duly submitted to the qualified electors of said city for their approval; and

WHEREAS, Said amendments proposed by said resolution of said common council of said The City of San Diego on the fourteenth day of February, in the year 1921, were, and each of them was on the seventeenth day of February, in the year 1921, and within fifteen days after the passage and adoption of said resolution of said common council of said The City of San Diego proposing said amendments, published once in The Evening Tribune, the official paper of said The City of San Diego; and

WHEREAS, Said common council of said The City of San Diego caused copies of all of said amendments to be printed in convenient pamphlet form, and from the eighteenth day of February, in the year 1921, until the fifth day of April, in the year 1921, being the date fixed for the election upon such charter amendments, did advertise in The Evening Tribune, a paper of general circulation, published in said The City of San Diego, a notice that such copies of said amendments might be had upon application therefor at the office of the city clerk in the city hall of said city; and

WHEREAS, Said election was held in said city on said fifth day of April, in the year 1921, being not less than forty and not more than sixty days after the completion of the advertisement of said amendments, and of each of them in the official paper of said The City of San Diego, being The Evening Tribune; and

San Diego
city
charter
amend-
ments.

WHEREAS, Said amendments were, pursuant to the terms of said resolution numbered twenty-six thousand two hundred six, described and submitted to the qualified voters of said The City of San Diego, at said election held on the fifth day of April, in the year 1921, in manner and form as follows:

“Proposition I. Amend Chapter II, Article II of the City Charter by adding a new section thereto, to be known and numbered as Section 2. This amendment authorizes the City to make and enforce all laws and regulations in respect to municipal affairs, subject to the limitations of the Charter; provided that the City is authorized to exercise any of the rights, powers and privileges granted or prescribed by general laws of the state.”

“Proposition II. Amend Chapter II, Article VI of the City Charter by adding thereto a new section, to be known and numbered as Section 13½. This amendment incorporates as part of the City Charter the general law of the State authorizing municipalities to incur a bonded indebtedness.”

“Proposition III. Amend Section 16 of Article X of the City Charter. This amendment provides that any officer, board or department having authority to employ any deputy, clerk, assistant or employee shall have the right to remove such person so appointed, and in case of removal shall give written notice thereof stating the cause to the person removed. The amendment also provides for hearing before the Civil Service Commission, which is authorized to either dismiss the employee or to reinstate him on the eligible list. The amendment further provides that in no case shall said discharged employee be re-employed in the department from which he was discharged, without the consent of the head of such department.”

and,

WHEREAS, On the eleventh day of April, in the year 1921, being the first Monday following said election, at a regular meeting of said common council of said city, said common council duly and regularly canvassed the returns of said election, and duly declared the result thereof, and said common council did thereby find and determine, and this legislature finds and determines, that those certain amendments proposed in said resolutions and submitted to the electors of said city, and designated in said resolution numbered twenty-six thousand two hundred six, as proposition one, proposition two and proposition three, respectively, were, and each of them was, duly and regularly ratified by a majority of the qualified voters voting on each such amendment; and

WHEREAS, Said charter amendments, and each of them, so ratified by the qualified voters of said The City of San Diego at said election, are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with the provisions of section eight of article eleven of the constitution of the State

of California, which amendments so ratified by the qualified electors of said The City of San Diego, are in words as follows, to-wit:

Amend Chapter II, Article II of the City Charter, by adding a new section thereto, to be known and numbered as Section 2, which said section shall read as follows:

“Section 2. The City of San Diego, in addition to any of the powers now held by or that may hereafter be granted to it under the Constitution or laws of this state, shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; *provided, however,* that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the state.” ^{Powers of city.}

Amend Chapter II, Article VI of the City Charter, by adding thereto a new section, to be known and numbered as Section 13½, which said section shall read as follows:

“Section 13½. In all matters relating to the acquisition, construction or completion of any municipal improvement provided for in Sections 12 and 13 of this Chapter, the provisions of the general law of the State of California in force at the time shall govern and control.” ^{Municipal improvements under general law.}

Amend Section 16 of Article X of the City Charter, so as to read as follows:

“Section 16. Unless otherwise provided by law or this Charter any officer, board or department authorized to appoint any deputy, clerk, assistant or employee shall have the right to remove any person so appointed, and in case of such removal shall give written notice thereof, stating the cause to the person removed, and shall immediately notify the Civil Service Commission of his action and the reasons therefor.” ^{Removal of employees.}

Unless removed for an offense involving moral turpitude, infamous crime or violation of his oath of office, such employee shall have the right, within five days from the date of his removal, to apply to the Civil Service Commission for a public hearing. The Commission is hereby authorized, after such public hearing, to remove the name of such discharged employee from the Classified Service, or to reinstate such employee on the Classified List. In no case, however, shall said discharged employee be re-employed in the department from which he was discharged without the consent of the head of such department.”

State of California, }
City of San Diego. } ss.

THIS IS TO CERTIFY that We, LOUIS J. WILDE, ^{Certificate.}
Mayor of The City of San Diego, and ALLEN H. WRIGHT,
City Clerk of said City, have compared the foregoing proposed and ratified amendments to the charter of The City

of San Diego with the original proposals submitting the same to the electors of the said city at the general election held on the fifth day of April, one thousand nine hundred twenty-one, and find that the foregoing is a full, true, correct and exact copy thereof; and we further certify that the facts set forth in the preambles preceding said amendments to said charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of San Diego this 11th day of April, one thousand nine hundred twenty-one.

L. J. WILDE

Mayor of The City of San Diego.

(SEAL)

ALLEN H. WRIGHT

City Clerk of the City of San Diego.

WHEREAS, The said proposed amendments are now submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the constitution of said state; now, therefore, be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the said charter herein set forth as proposed and submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments to, and as part of, the charter of said The City of San Diego.

CHAPTER 85.

Senate Concurrent Resolution No. 29—Approving a certain amendment to the charter of the city of San Jose, county of Santa Clara, State of California, voted for and ratified by the electors of said city of San Jose at a special municipal election held therein on the twelfth day of April, 1921.

[Filed with Secretary of State May 11, 1921.]

San Jose
city
charter
amend-
ment.

WHEREAS, The city of San Jose in the county of Santa Clara, State of California, contains a population of over twenty thousand inhabitants, and has been ever since the year 1915, and now is, organized and acting under a freeholders' charter adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the nineteenth day of April, 1915, and approved by the

legislature of the State of California on the fifteenth day of May, 1915, (statutes of 1915, page 1869); and

WHEREAS, The legislative body of said city, namely, the council of said city, did, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, by ordinance adopted February 21, 1921, duly propose to the qualified electors of the city of San Jose, eighteen amendments to the charter of said city, being therein designated as propositions numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, and order that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the twelfth day of April, 1921, which date was fixed in said ordinance as the date for holding said special municipal election; and

San Jose
city
charter
amend-
ment.

WHEREAS, Said proposed charter amendments, numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen were, and each of them was, on February 24, 1921, duly published in San Jose Mercury Herald, a daily newspaper of general circulation printed, published and circulated in said city of San Jose and designated by said council for that purpose; and

WHEREAS, Said proposed amendments were printed in convenient pamphlet form, and from February 24, 1921, to April 11, 1921, both inclusive, a notice was published in said San Jose Mercury Herald, the newspaper aforementioned, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The said council of said city did by ordinance which was duly adopted on the twenty-first day of February, 1921, order the holding of a special municipal election in said city of San Jose, on the twelfth day of April, 1921, which said date was more than forty days and less than sixty days after the completion of the publication of said eighteen proposed amendments as aforesaid, and was published on the twenty-fourth day of February, 1921, in said newspaper, the San Jose Mercury Herald; and

WHEREAS, Said special municipal election was held in said city of San Jose, on the twelfth day of April, 1921, which day was more than forty days and less than sixty days after said proposed amendments to said charter had been published in the San Jose Mercury Herald, the said election was also held during the six months next preceding a regular session of the legislature of the State of California; and

WHEREAS, Thereafter, the council of said city of San Jose, did duly canvass the returns of said special municipal election, and did, on the thirteenth day of April, 1921, duly and regu-

larly declare the result of the canvass of the returns of said election; and

WHEREAS, At said special municipal election, held on said twelfth day of April, 1921, one of said proposed amendments was ratified by a majority of the electors of said city voting thereon, to wit: Charter amendment number five; and all other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, The said charter amendment so ratified by the electors of the city of San Jose, is now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and is in words and figures as follows, to wit:

Proposition No. 5.

That Section 20 of Article III be amended to read as follows, to wit:

First Election.

First election.

20. Having caused said ballots to be printed, the said City Clerk shall cause to be delivered at each polling place a number of said ballots equal to 10 per cent more than the number of registered voters in such polling precinct who are entitled to vote at said election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and shall forthwith make return thereof to the City Clerk, upon proper blanks to be furnished by the said clerk. The Council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected. In case there are two or more persons to be elected to an office, as that of Councilman, then those candidates equal in number to the number to be elected, who receive the highest number of votes cast for such office shall be declared elected; provided, however, that in any case where there are two or more candidates to be elected to an office, no person shall be declared elected to such office at such first election unless the number of votes received by him shall be greater than one-half the number of ballots cast at such election.

STATE OF CALIFORNIA,)
COUNTY OF SANTA CLARA,) SS.
CITY OF SAN JOSE.)

Certificate.

WE, the undersigned, C. B. GOODWIN, City Manager of the City of San Jose, State of California, and JOHN J. LYNCH,

City Clerk of said city, and Ex-officio Clerk of the Council of said city, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of the City of San Jose, submitted to the electors of said city at a special municipal election held in said city on the 12th day of April, 1921, have been compared by us and each of us, with the respective proposed amendment set forth in the resolution adopted by the Council as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the Preamble preceding said amendment to said charter are, and each of them, is true.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of San Jose, this 14th day of April, 1921.

C. B. GOODWIN,

City Manager of the City of San Jose.

[SEAL]

JOHN J. LYNCH,

City Clerk of the City of San Jose.

Now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the city of San Jose as proposed to, adopted and ratified by the electors of said city, as hereinbefore fully set forth, be, and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as a part of the charter of the city of San Jose.

Approval by
legislature.

CHAPTER 86.

Senate Concurrent Resolution No. 30—Relative to the display of the United States flag on mothers' day. }

[Filed with Secretary of State May 11, 1921.]

WHEREAS, The word "mother" touches a responsive chord in every heart and freshens the tender and affectionate memories of the devoted love and unselfish sacrifice which are the ennobling qualities of motherhood; and

Display
of U. S.
flag on
mothers'
day.

WHEREAS, In the rush and struggle of modern life there is a growing tendency to grow forgetful of the teachings of mothers and become irreverent of the beauties of home life; and

WHEREAS, The service rendered California by its mothers, and particularly by the pioneer mothers, has been one of the glories of the state; and

WHEREAS, We honor ourselves and the mothers of California when we do anything to give emphasis to the home as the fountain head of the state; and

WHEREAS, By act of congress, the second Sunday in May of each year has been designated as "Mothers' Day" and the United States flag is to be displayed on all government buildings on that day; therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, That the governor of California is hereby authorized and requested to issue a proclamation calling upon all state, county and local officials to display the United States flag on all government buildings and the people of the state to display the flag at their homes or other suitable places on the second Sunday in May as a public expression of our love and reverence for the mothers of California and the nation.

CHAPTER 87.

Senate Concurrent Resolution No. 31—Approving an amendment to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at the nominating municipal election held therein on the nineteenth day of April, 1921.

[Filed with Secretary of State May 11, 1921.]

Oakland
city
charter
amend-
ment.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the mayor and the city clerk of said city of Oakland as follows to wit:

STATE OF CALIFORNIA,	} ss.
COUNTY OF ALAMEDA,	
CITY OF OAKLAND.	

We, the undersigned, John L. Davie, Mayor of the City of Oakland, State of California, and L. W. Cummings, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland a municipal corporation, in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the 1st day of July, 1911, and is now, organized, existing, and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the 8th day of December, 1910,

and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 15th day of February, 1911 (Statutes of 1911, p. 1551);

That in pursuance of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Oakland, being the legislative body of said City, by and in pursuance of Resolution No. 21641 N.S., passed by the said Council on the 28th day of February, 1921, and by and in pursuance of Resolution No. 21780 N.S., passed by said Council on the 28th day of March, 1921, duly submitted to the qualified electors of said City of Oakland a certain proposal for the amendment of the charter of said City, to be voted on by said qualified electors at the Nominating Municipal Election held in said City on the 19th day of April, 1921, which said proposal was and is in words and figures following, to-wit:

That subdivision 5 of section 49, sections 56, 58, 59, 60, 61, and 62 of said charter be respectively amended to read as follows:

That subdivision 5 of section 49 of said charter be amended to read as follows:

PUBLIC BUILDINGS, WORKS AND INSTITUTIONS.

(5) To acquire by purchase, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, camps, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and farm schools, work houses, detention houses, morgues, cemeteries, crematories, garbage collection, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assembling of asphalt or of any other substances or material for use in the building, maintenance or repair of streets, plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front of the City, including pile drivers, dredging machines, scows, tugs and suitable machinery; wharves, docks, waterways, canals, and any and all other public buildings, places, works, institutions, and establishments (whether situated inside or outside of the city limits), which may be necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the City or for their amusement, recreation, entertainment or benefit.

Public
buildings,
works and
institutions.

That section 56 of said charter be amended to read as follows:

CONTROL.

Control of
play-
grounds,
etc.

Section 56. All public playgrounds, recreation centers, and summer camps now or hereafter owned or controlled by the City, either within or without its limits, shall be under the exclusive control and management of the Board of Playground Directors. Said Board shall have supervision, direction, and control of all games, recreation, athletic sports, physical exercises, and social activities to be conducted in any of the playgrounds or recreation centers of the City. Said Board shall have power to organize and conduct physical training and exercises, athletics, sports, games, leagues, tournaments, and pageants in and upon the playgrounds and recreation centers owned or controlled by the City, and also in and upon other grounds, athletic fields, gymnasias, swimming pools, and other suitable places, the temporary use of which may be loaned or leased to said Board of Playground Directors for such purpose. Said Board shall also have power to organize and conduct walking and other outing excursions and events to points either within or without the city limits.

That section 58 of said charter be amended to read as follows:

GENERAL POWERS.

Powers of
board of
playground
directors.

Section 58. The Board of Playground Directors shall have the complete and exclusive control, management, and direction of all public playgrounds, recreation centers, and summer camps owned or controlled by the city, and the exclusive right to provide proper apparatus, equipment, and facilities therefor, and to erect and superintend the construction of buildings, thereon pertaining to purposes of recreation. Said Board of Directors may employ and appoint superintendents, laborers, instructors, and other officers and assistants, prescribe and fix their duties, authority, compensation, and qualifications as to residence or otherwise; they shall have the exclusive management and disposal of all funds legally apportioned or received from any source for the support of said playgrounds, recreation centers, and summer camps, or of the other activities of the Board of Playground Directors, as authorized by this article. The Board shall establish rules and regulations for the conduct of its officers and employees, and may require adequate bonds from any or all of them, except laborers, for the faithful performance of their duties, in such sums as may be fixed by it; such bonds shall be approved by the Mayor and Auditor and filed in the office of the City Clerk. The Directors shall organize by electing one of their number President, and the Board may elect a Secretary who is not a member of the Board. The person elected president shall hold his office for one year and until his successor is elected. The Board must hold

regular meetings at least once in every two weeks; the Board shall establish rules and regulations for its government and for the performance of its duties.

That section 59 of said charter be amended to read as follows :

RULES.

Section 59. The Board of Playground Directors shall adopt ^{rules.} rules and regulations for the government of the aforesaid playgrounds, recreation centers, and summer camps, and for the conduct of the aforesaid activities, leagues, tournaments, pageants, and excursions, not inconsistent with the ordinances of the City of Oakland, or of the laws of the State of California, or with this charter.

That section 60 of said charter be amended to read as follows :

RECEIVE GIFTS.

Section 60. The Board of Playground Directors may for ^{Gifts.} gifts and in behalf of the City of Oakland receive donations, legacies, or bequests for the improvement or maintenance of said playgrounds, recreation centers, and summer camps, or the acquirement of new playgrounds, recreation centers, and summer camps, and all moneys that may be derived from such donations, legacies, or bequests shall, unless otherwise provided by the terms of such donations, legacies, or bequests be deposited in the Treasury of the City of Oakland, to the credit of the Playground Fund; the same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such playgrounds, recreation centers, and summer camps. If the moneys derived from such gifts, bequests, or legacies shall at any time exceed in amount the sum necessary for the immediate expenditures for the acquirement, maintenance, or improvement of playgrounds, recreation centers, and summer camps, the Board may invest all or a part of the sum in interest bearing bonds of the United States or of the State of California, or of any municipality or school district thereof.

That section 61 of said charter be amended to read as follows :

COUNCIL SET ASIDE LANDS. TEMPORARY USE OF LANDS.

Section 61. The City Council shall have the power by ordinance to set aside, either absolutely or for a definite period of time, any lands belonging to the city for use as public playgrounds, recreation centers, and summer camps, and the same shall, when and so long as used by said Board for such use, be under the exclusive control and management of the Board of Playground Directors. Said Board may also make contracts for the donation or lease to it of the temporary use of camp sites and of grounds, athletic fields, gymnasia, swimming pools, and other suitable places for the conduct of leagues, tournaments, pageants, and other recreational activities. ^{Use of Lands.}

That section 62 of said charter be amended to read as follows :

APPROPRIATIONS, ACCOUNTS, RECORDS.

Appropriations,
accounts,
records.

Section 62. The Council shall for the purchase, development, acquirement, and maintenance of public playgrounds, recreation centers, and summer camps, and for the conduct of the other functions and activities of the Board of Playground Directors authorized by this article, annually appropriate to the Board of Playground Directors such amount as may in the judgment of the Council be necessary or proper, and the fund so appropriated shall be credited to the Playground Fund, and the Board of Playground Directors shall have the exclusive management and disbursement of the same; provided, however, that except as to donations, legacies, or bequests made expressly for such purposes, no moneys shall be expended for the purchase, development, acquirement or maintenance of playgrounds, recreation centers, or summer camps situated without the limits of the City of Oakland, in excess of the amount of such receipts as may be directly derived as revenue from the operation and conduct of such play grounds, recreation centers, or summer camps, and such additional moneys as may be expressly apportioned and specified for those purposes by the Council; and provided further that such sum so apportioned and specified by the Council shall not in any fiscal year be in excess of two and one-half per cent of the total amount appropriated by the Council to the Board of Playground Directors for said fiscal year.

The Secretary shall keep a full account of all property, money, receipts, and expenditures, and a record of all proceedings of the Board. The votes of all its members shall be recorded in the minutes with the ayes and noes.

That such proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, in the "Oakland Enquirer", a daily newspaper of general circulation published in said City of Oakland and the official paper and newspaper of said City;

That copies of said proposed amendment were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by law, an advertisement was published in said "Oakland Enquirer" that such copies could be had upon application therefor at the office of the City Clerk of the City of Oakland;

That such copies could be had upon application therefor at the office of said City Clerk until the date fixed for the election hereinafter described;

That the Council of the City of Oakland, the legislative body of said City, by its Resolution No. 21780 N. S. passed on the 28th day of March, 1921, did order the holding of the Nominating Municipal Election in said City of Oakland

on the 19th day of April, 1921, said day being at least forty days after the completion of advertising of said proposed amendment in said official paper of said City, and not more than sixty days after the completion of such advertising, and did provide in said Resolution for the submission of the proposed amendment to the charter to the qualified electors of said City for their ratification at such election;

That said election was duly called and held on the 19th day of April, 1921, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendment to the charter of the City of Oakland hereinabove set forth;

That the returns of said election were in accordance with the law in such cases made and provided duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers, thereunto duly and properly authorized, that a majority of the qualified electors of said City voting thereon had voted for and ratified said proposed amendment to said charter hereinabove set forth.

And we further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Oakland with the original proposal submitting the same to the electors of said City at an election held on the 19th day of April, 1921, and find that the foregoing is a full, true, correct and exact copy thereof. Certificate.

IN WITNESS WHEREOF we have hereunto set our hands and caused the seal of said City of Oakland to be affixed hereto, this 21st day of April, 1921.

JOHN L. DAVIS,
Mayor of the City of Oakland.

[SEAL]

L. W. CUMMINGS,
City Clerk of the City of Oakland.

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth has been and is now duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration in accordance with section eight of article eleven of the constitution of the State of California; now therefore be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendment to the charter of the city of Oakland as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to, and as a part of the charter of said city of Oakland. Approval by legislature.

CHAPTER 88.

Senate Concurrent Resolution No. 32—Approving six certain amendments to the charter of the city of Monterey, county of Monterey, State of California, voted for and ratified by a majority of the qualified electors of said city of Monterey at the regular municipal election held therein on the eleventh day of April, 1921.

[Filed with Secretary of State May 11, 1921.]

Monterey
city
charter
amend-
ments.

WHEREAS, The city of Monterey, State of California, now is and was at all times herein mentioned a city containing a population of more than three thousand five hundred inhabitants, and is now organized, existing and acting under a freeholder's charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, and which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the twelfth day of December, 1910, and approved by the legislature of the State of California, by assembly concurrent resolution No. 10 adopted on the second day of March, 1911; and

WHEREAS, The legislative authority of said city, namely, the city council thereof, did, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, by resolution No. 1467 C. S., duly adopted on January 25, 1921, duly propose to the qualified electors of said city of Monterey fourteen certain amendments to the charter of said city, to be submitted to the qualified electors at the general municipal election to be held in said city on the eleventh day of April, 1921; and

WHEREAS, Said proposed amendments were duly published in a daily newspaper printed and published in said city of Monterey and having a general circulation therein, to wit: The Monterey Daily Cypress and Monterey American (said newspaper being designated by the council for that purpose), on the twenty-eighth day of January, 1921, and thereafter as required by law and the charter of said city; and

WHEREAS, Copies of said proposed amendments were printed in convenient pamphlet form and until the said date fixed for said general municipal election a notice was published in said Monterey Daily Cypress and Monterey American that copies of said proposed amendments could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, Such copies were available and could be had upon application therefor before election until the day fixed for said election; and

WHEREAS, Further notice of such election was given under and by virtue of resolution No. 1492 C. S. providing for the election proclamation which said election proclamation was duly published on March 31, 1921, and for more than six consecutive days thereafter; and

WHEREAS, Said election was duly called and held on said eleventh day of April, 1921, which was not less than forty days

and not more than sixty days after the completion of said advertising of said proposed amendments in the said Monterey Daily Cypress and Monterey American to wit: the twenty-eighth day of February, 1921; and

WHEREAS, A majority of the qualified electors voting thereon voted in favor of a ratification, and did ratify, after a full canvass of the returns of said election the following charter amendments, to wit: numbers four, seven, eight, nine, eleven and twelve and all the other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, The said six charter amendments so ratified by the electors of the city of Monterey are now submitted to the legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

Amendment No. 4. That Sec. 60 of Article V. of the Charter of the City of Monterey be amended so as to read as follows: "The Four Municipal Departments. Sec. 60. The executive and administrative powers, authority and duties of the City, not otherwise provided for, shall be distributed among and assigned to four departments as follows:

1. Department of Finance and Revenue.
2. Department of Police and public health.
3. Department of Public works.
4. Department of public supplies, public property and fire protection.

Amendment No. 7: That Sec. 65 of Article V of the Charter of the City of Monterey be amended so as to read as follows: "Compensation of officers and employees. Sec. 65. The Compensation of all chief officials as named in Sec. 63 shall be by salary to be fixed by Ordinance. The Council shall also fix the compensation of all other officers and employees of the City by Resolution except as in this Charter otherwise provided. No officer or employee shall be allowed any fee, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the Council, but all fees received by him in connection with his official duties shall be paid by him into the City Treasury."

Amendment No. 8: That Sec. 68 of Article V of the Charter of The City of Monterey be amended so as to read as follows: "Councilman to hold no other office. Sec. 68. No member of the Council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the Council while he was a member thereof, until one year after the expiration of the term for which he was elected."

Amendment No. 9: That Sec. 69 of Article V of the Charter of The City of Monterey be amended so as to read as follows: "Officers not to be interested in public Service Corporations.

Sec. 69. No officer or employee of the City shall be in the employ of any public service corporation in the city."

Sale of useles personal property.

Amendment No. 11: That Subdivision 39 of Sec. 73 of Article VI of the Charter of The City of Monterey be amended so as to read as follows: "Sale of Useless Personal Property. (39) To provide for the sale at public auction or private sale of personal property unfit or unnecessary for the use of the City after advertising or posting notices in three conspicuous places in The City of Monterey for five days."

Planning Commission.

Amendment No. 12: That Sec 73 of Article VI of the Charter of The City of Monterey be amended by the addition thereto of Subdivision 58 A which shall read as follows, to-wit: "Planning Commission. (58 A) To establish a planning commission and to appoint commissioners thereon, to serve without compensation with such powers and duties as may be fixed by the Council."

CITY OF MONTEREY,
COUNTY OF MONTEREY, } ss.
STATE OF CALIFORNIA, }

Certificate.

This is to certify that we, P. J. Dougherty, Mayor of the City of Monterey and Archie Kay, City Clerk, of said City, have compared the foregoing proposed and ratified amendments to the Charter of the City of Monterey, with the original proposals submitted to the electors of said City at the general election held on Monday the 11th day of April, 1921, and find that the foregoing is a full, true and correct copy of the amendments so ratified and we further find that the facts set forth in the preamble preceeding said amendments are, and each of them is, true.

IN WITNESS WHEREOF we have hercunto set our hands and caused the corporate seal of the City of Monterey to be attached, this 19th day of April, 1921.

[SEAL]

P. J. DOUGHERTY,
Mayor of The City of Monterey.

ARCHIE KAY,
City Clerk of The City of Monterey.

And

WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Approval by legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Monterey, as proposed to and adopted and ratified by the electors of said city and as hereinbefore set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as a part of, the charter of said city of Monterey.